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Message from the Director

BG James O. Barclay, III, USA
Director, JCOA

This edition of the Joint Center for Operational Analysis (JCOA) Journal is a compilation of articles focused on various topics ranging from the current changes to the “Insurrection Act,” which are presently under review by the US Congress; to an article based on observations by two command senior enlisted leaders from the Hurricane Katrina response; to best practices in joint operations from Task Force (TF) Freedom in Mosul, Iraq; and to the US Agency for International Development (USAID) and Department of Defense (DOD) roles in foreign disaster relief. Our goal is to provide the information to those who need it, and with such diverse topics, every reader should be able to find information that will be of use to them.

“Congress Giveth and Congress Taketh Away: An Analysis of the 2006 Revision to Chapter 15 of Title 10 of the United States Code (the ‘Insurrection Act’),” discusses the current changes to the Insurrection Act and presents an historical background. Mr. Emery Midyette, the author, then looks at the impact on the states from these changes, specifically in reference to the National Guard forces under the respective state governor. Of particular interest is the modification to restrictions in the use of US Code Title 10 and Title 32 forces in domestic disaster relief. Mr. Midyette also looks at the efforts by the current Congress to revoke the revision.

In the article *“The Operations of Task Force Freedom in Mosul, Iraq: A Best Practice in Joint Operations,”* LTC Robert Hulslander discusses some of the lessons taken from the operation. He shows how the task force dealt with an asymmetric threat in a multi-factional conflict, and the importance of close integration of intelligence and operations in rapidly responding to changing threats.

The third article, *“Joint Improvised Explosive Device Defeat Organization (JIEDDO): Tactical Successes Hindered by Organizational Impediments,”* is a paper submitted by students from the Joint Forces Staff College. In the article the authors examine the structure and authority of JIEDDO and make recommendations for streamlining the



organization and placing it under a combatant command rather than remaining under the Office of the Secretary of Defense. Several other recommendations are presented to make the organization more efficient.

Lt Col Phil Wilhelm, USAF Ret., is a Humanitarian Assistance Advisor with USAID. In his article *“USAID and DOD Roles in Foreign Disaster Relief,”* he reviews the roles of the foreign disaster organization within USAID and the military capabilities that can be brought into an area to assist in the disaster relief effort.

The next article is the senior enlisted leaders’ view of the response to Hurricane Katrina in 2005. Based upon their insights, Mr. Phil Wirtz authored an article titled *“Fighting for the Homeland: Two Command Senior Enlisted Leaders’ Perspectives on the Post-Disaster Response to Hurricane Katrina.”* This article presents observations that could be helpful in future disaster response to eliminate some of the challenges that occurred in Katrina, and how the different military organizations can work together to overcome US Code restrictions on Title 10 and Title 32 forces.

The final Article is a history of the joint lessons learned process from the late 1970’s until the present. *“The Transformation of the Joint Lessons Learned Program,”* by Mr. Mike Barker, looks at the development of the program from the earliest Government Accountability Office reports in 1979 and 1986, to the evolution of the system currently in use.

James O. Barclay III
Brigadier General, US Army
Director, JCOA



JCOA Update

This Joint Center for Operational Analysis (JCOA) Update focuses on the collection and analysis process from initial tasking to integration into the joint forces. Normally, we get our tasking primarily either through a four-star combatant command (COCOM) commander or a theater commander. However, in some cases our tasking comes directly from the Secretary of Defense (SECDEF) and Chairman of the Joint Chiefs of Staff (CJCS) level. The Commander, Joint Forces Command (JFCOM) provides overall direction and approval of all taskings, but generally, we engage as a result of another COCOM or higher authority tasking us to study a particular issue. One example of this tasking process includes the Hurricane Katrina report, which was in response to a request from the SECDEF for an initial lessons learned report to be delivered within 12 weeks of the event. In this case, the Vice CJCS tasked us to fulfill the SECDEF request. Other examples include our *Transition of Power Report* in Iraq, conducted from March 2003-June 2003, and based on tasking from the SECDEF through the Vice CJCS; the *Enabling Force Study*, initiated by GEN Casey; and, several Requests for Forces messages directing us to a particular theater on a particular collection effort.

Our current study was specifically tasked by GEN Petraeus to study intelligence, surveillance, and reconnaissance (ISR) employment in Iraq--the *Counterinsurgency Targeting and ISR Employment Study* (CTI). The following description of the classified CTI study is a good example of how we plan and implement the process once a tasking is received. Specific elements in planning may vary depending on the nature of the project and origin of the tasking; for instance, the size and make-up of the teams are based on the directed completion timeline, subject studied, and priority given to the specific task. In this case, the CTI study team is being led by the JCOA Director, BG Barclay, and deployed to Iraq in mid October for about three weeks.

The focus of the study is to look at how forces in Iraq integrate and employ ISR capabilities. Step one is to formulate the plan. Part of this step involves researching all other related studies and efforts, possibly using them as a foundation for the study and to ensure we do not duplicate work. Step two is the collection itself. In this case, we have approximately 22 deployed personnel divided into three teams and a command center. These teams travel throughout the area of responsibility conducting interviews, making observations, and documenting their research. In addition, six personnel in Suffolk, Virginia, act as a reach-back capability to analyze and consolidate the gathered data into findings that will make up an initial "quick look" out brief for GEN Petraeus in November. After returning from Iraq, the team will further develop the data in preparation for the final out brief with the Commander, Multinational Forces - Iraq. A complete briefing and written report is planned for January 2008, and, once approved, will be finalized and disseminated. Integration is the final step in the process once a study is complete. This integration step has been described in previous issues and is a big part of our charter. Through high level briefings, incorporation with other Directorates within JFCOM, web site posting of the final approved report, and transfer of reports to the Joint Staff for issue resolution, we feel these findings can and do make a difference--both now and in the future.

Military action is important to the nation--it is the ground of death and life, the path of survival and destruction, so it is imperative to examine it."
- Sun Tzu,

Mr. Bruce Beville
Deputy Director, JCOA

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Congress Giveth and Congress Taketh Away: An Analysis of the 2006 Revision to Chapter 15 of Title 10 of the United States Code (the “Insurrection Act”)

Mr. Emery Midyette, Analyst
Joint Center for Operational Analysis

*“The operations of the federal government will be most extensive and important in times of war and danger; those of the state governments, in times of peace and security.” James Madison (1788)*¹

*“Whenever any dispute has reached a point where consideration is being given to the use of the military forces of the nation, there is need for an unusually high degree of vigilance on the part of the Chief Executive. Unless there is some special reason which seems to make imperative the immediate use of troops, or until all efforts to effect a peaceful settlement have failed and violence threatens of a nature beyond the ability of the local and state government to control, the president is wise to avoid recourse to force. To use the troops only when no other solution seems possible has been the most frequent presidential practice - a practice the value of which is attested by the fact that it has met with complete success.” B.M. Rich (1941)*²

Introduction:

Following Hurricane Katrina a major debate within the federal and state governments focused on the proper role of our nation’s military forces following a catastrophe. This debate resulted in a major statute affecting military operations within the United States (US), the so-called “Insurrection Act,” being revised by Congress and signed into law in October 2006. While not yet signed into law, the Senate and House have recently passed legislation to repeal this revision and revert to the previous version of the statute. As our country continues this debate and great Americans work to better prepare our communities, states, and country to respond to catastrophic events, this article seeks to provide an analysis of current statutory issues along with historical perspectives.

The Debate

An ongoing debate in our country today concerns the powers of the President of the United States to deploy federal military forces into a state in response to disasters or catastrophic events, and the types of civil support operations those forces are permitted to perform. This debate accelerated following the response to Hurricane Katrina in the fall of 2005 when two enormous military responses occurred.³ On the state level the response to Katrina resulted in the largest historical deployment of the National Guard for a domestic disaster response. Simultaneously, the second largest deployment of active duty⁴ military forces for a domestic disaster response was recorded.⁵ Questions concerning “unity of command” and “unity of effort” involved in the separate military responses following Katrina have driven numerous discussions regarding the most effective way for the Department of Defense (DOD) to respond to catastrophes occurring within the borders of the United States.

Although Louisiana’s Governor, Kathleen Blanco, contacted President Bush on the afternoon of Katrina’s landfall requesting “everything you’ve got,” she wasn’t asking the president to invoke the provisions of the so-called Insurrection Act.⁶ While Gov. Blanco requested federal military assistance from the DOD, she opposed federalization of the Louisiana National Guard.⁷ This decision resulted in the two simultaneous military responses. The National Guard, operating in its state status under Title 32 of the US Code, was able to perform missions requiring law enforcement operations. The Title 10 soldiers, sailors, airmen, and marines were limited by statute and DOD Directives to performing disaster response missions not requiring law enforcement authority. The limitations on Title 10 forces will be discussed later in this article.

Ultimately, the president did not invoke the provisions of the Insurrection Act following the Katrina flooding catastrophe in New Orleans.⁸ It could be argued that the president’s decision was based on purely political

reasons.⁹ However, federal statutes at that time did not clearly articulate his authority to dispatch federal troops with law enforcement authority without a specific request from the state for this specific type of situation.¹⁰ A year following the Katrina catastrophe Congress revised Title 10 to clarify the statutes and grant him this authority in unambiguous language. The revised statutes clearly articulated the president's authority to use federal military forces in response to catastrophes on the scale of Katrina when there is a breakdown in public order. In response to concerns voiced by numerous state and local organizations against those revisions, legislation is currently pending to revert to the earlier version of the statutes that were in force pre-Katrina.¹¹

The 2006 Revision to Chapter 15

One of the more significant pieces of legislation signed into law by the president during 2006¹² was Public Law (PL) 109-364, otherwise known as the "John Warner National Defense Authorization Act for Fiscal Year 2007."¹³ Buried within the 439 pages of the \$539 billion act, Section 1076 contained a major revision to Chapter 15 of Title 10 of the United States Code (USC or "the Code").¹⁴ This chapter of the Code is commonly referred to as "the Insurrection Act."¹⁵

PL 109-364 changed the title of Chapter 15 of Title 10 from "Insurrection" to "Enforcement of the Laws to Restore Public Order" to reflect the expanded wording contained specifically within Section 333. Previously titled "Interference with State and Federal law," Section 333¹⁶ was significantly revised and renamed, "Major Public Emergencies; Interference with State and Federal Law."

While some analysts now refer to the revised "Insurrection Act" as the "Public Order Act,"¹⁷ within this article it is referred to as "Chapter 15." While the name of the chapter has changed, its primary purpose has not. Under Chapter 15 the president is authorized under specific conditions to employ federal military forces, to include federalized National Guardsmen,¹⁸ to restore order within a state.¹⁹

Any discussion regarding the employment of federal military forces inside the United States, and acts of Congress regulating such utilization, must be based on fundamentals articulated within the US Constitution

and the policy of federalism within the United States. The core issues being discussed today were initially addressed in 1788 in the Federalist Papers.²⁰ In Federalist 45, James Madison argued it was essential for the federal government to be capable of guarding the states "against those violent and oppressive factions which embitter the blessings of liberty."²¹ The Constitution enumerates the power to Congress "to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions."²² Additionally Congress is charged with providing "for the common defense and general welfare of the United States."²³ In furtherance of that mandate, Congress can "make all laws which shall be necessary and proper for carrying into execution" those powers.²⁴ The statutes grouped within Chapter 15 are the mechanism Congress has chosen to empower the president for protecting the states from internal threats. As a result of ongoing federalism power struggles between the states and the federal government, Chapter 15 represents an area in which Congress is being challenged to address issues on the military's role inside the United States in a post 11 September 2001 (9-11) world.

Current federal policy regarding support to the states is articulated in the Code of Federal Regulations:

"the protection of life and property and the maintenance of law and order within the territorial jurisdiction of any state are the primary responsibility of state and local civil authorities....federal armed forces are committed after state and local civil authorities have utilized all of their own forces and are unable to control the situation, or when the situation is beyond the capabilities of state or local civil authorities, or when state and local civil authorities will not take appropriate action."²⁵ "The federal government may assume the responsibility and authority [for the protection of life and property and maintenance of public order] only in certain limited instances."²⁶

The Insurrection Statutes

The earliest of the insurrection statutes date to 1795.²⁷ These statutes are currently organized as Sections 331-335 within Chapter 15 of Title 10. Section 331, titled "Federal aid for State governments" authorizes the president to use federal military forces to suppress insurrections within states upon the request of the

legislature or the governor.²⁸ Section 332, “Use of militia and armed forces to enforce federal authority,” permits the president to use federal armed forces whenever it is impracticable to enforce federal law due to rebellions or other unlawful activity.²⁹ Section 333 is discussed in detail below. Whenever Chapter 15 is invoked, Section 334 requires the president to publicly order insurgents “to disperse and retire peaceably.”³⁰ Section 335 adds Guam and the Virgin Islands to the other fifty states under the coverage of Chapter 15.³¹

Chapter 15 provides the statutory and legal basis for the domestic employment of federal military forces during periods when local and state authorities are either unable or unwilling to enforce the rule of law. Generally, federal military forces are prohibited from performing traditional law enforcement functions within the United States, except on DOD installations.³² Changes to Chapter 15 are important to military planners primarily because this chapter represents a statutory exception to the Posse Comitatus Act (PCA). Additionally, Chapter 15 is specifically listed as an exception to Department of Defense Directive (DODD) 5525.5, which places even greater restrictions than the PCA upon all four military services³³ supporting civilian law enforcement authorities.³⁴

Historically, there has been reluctance on the part of the president to send federal forces into the states to perform direct assistance to civilian law enforcement agencies.³⁵ Between 1838 and 1943, governors requested federal military assistance under the insurrection statutes on at least twenty-seven occasions to quell rebellion or insurrections within their states.³⁶ In response to those requests, federal forces were deployed to nineteen incidents. On the eight occasions that the presidents made decisions to not send federal forces, they based their decisions on findings that the circumstances did not meet the required legal threshold under Chapter 15.

Historical Perspective of 10 USC § 333

Section 333 is rooted in an 1871 law to enforce the Fourteenth Amendment to the Constitution.³⁷ Commonly referred to as the “Ku Klux Act” when enacted, this section was later revised in 1956 at the beginning of the American civil rights movement and remained unchanged for the next 50 years.³⁸

To gain an understanding of the 2006 revision it is necessary to first understand exactly what was changed. The previous version of Section 333 reads as follows:

“The president, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a state, any insurrection, domestic violence, unlawful combination, or conspiracy, if it--

“(1) so hinders the execution of the laws of that state, and of the United States within the state, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that state are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

“(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the state shall be considered to have denied the equal protection of the laws secured by the Constitution.”

Unlike Section 331 which requires a request from the governor or legislature for the president to order federal military forces into a state, Section 333 does not. Usually invoked in opposition to the governor,³⁹ Section 333 was used by three presidents on five occasions during the American civil rights movement to enforce federal law, and on each occasion it was without support from the governor.

During the civil rights movement, a few southern governors attempted to defy federal law and court orders, necessitating action by the president. The first example of Section 333 being invoked occurred in 1957 when President Eisenhower federalized the Arkansas National Guard at Central High School in Little Rock.⁴⁰ In 1962, President Kennedy invoked Chapter 15 when rioting broke out at the University of Mississippi in Oxford upon the admission of a black student.⁴¹ Section 333 was again invoked by President Kennedy on 11 June 1963⁴² and 10 September 1963⁴³ to enforce court decrees opening public schools to blacks in the state of Alabama. The statute was invoked by President Johnson as a preemptive measure in 1965 to federalize National Guardsmen and deploy Title 10 forces when Alabama state authorities refused to protect participants during a civil rights march.⁴⁴



Civil Rights March from Selma to Montgomery, Alabama in 1965⁴⁵

The Federal Response to Hurricane Hugo

The response to Hurricane Hugo in 1989 provides the best example of the use of Chapter 15 in response to a natural disaster.⁴⁶ Public disorder erupted on Saint Croix following widespread destruction resulting from the storm. One mall containing 150 shops reported over 90 percent of the businesses being totally looted.⁴⁷ Following a request from Governor Alexander Farrelly, President George H.W. Bush invoked Section 331 of Chapter 15 and deployed federal military forces to the island.⁴⁸ In addition to military forces, the president also ordered Federal Bureau of Investigation agents, as well as members of the US Marshals Service and the US Coast Guard, to be used to suppress the violence and restore law and order in the territory.⁴⁹ It was reported that 1,100 Army military policemen from the 18th Airborne Corps at Ft Bragg, along with 170 federal law enforcement officers were dispatched to the island and quickly restored order.⁵⁰ While the damage from Hurricane Hugo on the Virgin Islands affected a much smaller geographical area than Hurricane Katrina, the pervasiveness of looting and the type of catastrophic damage from the storms were similar.⁵¹

Recent Legislative History

The revision to Chapter 15 was first introduced by Senator John Warner on 9 May 2006 in Senate Bill 2766.⁵² As the omnibus bill passed in the Senate, a related measure, House Resolution 5122, was making its way through the House of Representatives. On 22 June, the language from Senate Bill 2766 was incorporated into the House Resolution. The final bill was signed into law by President Bush on 17 October 2006 as Public Law 109-364, with the change to Chapter 15 never receiving open debate on the floors of the House or Senate.

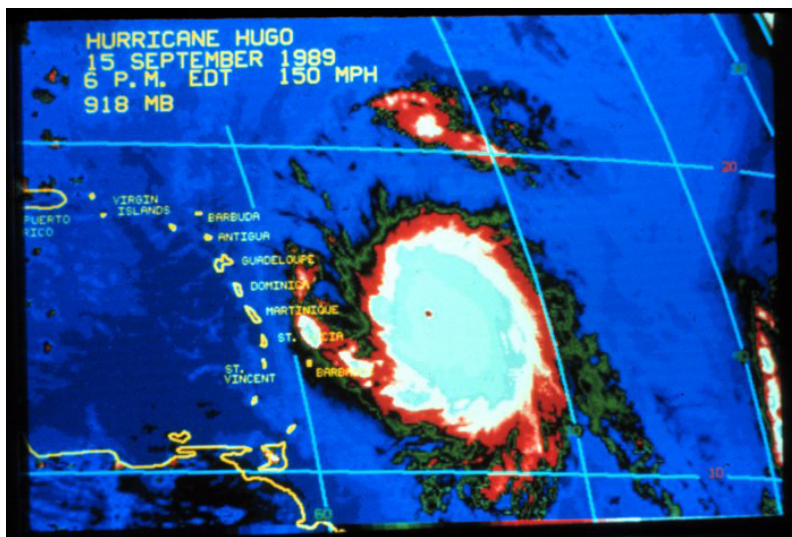
While there was no open debate in Congress, the revision to Chapter 15 was not without controversy. Although the mammoth appropriations bill had wide bi-partisan support in Congress,⁵³ all 51 governors opposed the proposed changes to Chapter 15 in the Senate bill.⁵⁴ In separate letters from the National Governors Association (NGA) addressed to Secretary of Defense Donald Rumsfeld and Congressional leaders, the governors stated the proposals by the House and Senate to expand the president's authority over the National Guard were "developed without consultation with governors and encroach on our constitutional authority to protect the citizens of our states." The letter further stated, "the role of the Guard in the states and to the nation as a whole is too important to have major policy decisions made without full debate and input from governors throughout the policy process."

Similarly, the NGA also opposed a related provision in the original version of House Resolution 5122 designed to amend 10 USC § 12304 to give the president authority to federalize members of the National Guard without consent of the governor in order to respond to an emergency involving "a serious natural disaster, accident, or catastrophe."⁵⁵ This provision was designed to grant the president explicit statutory authority to federalize the National Guard for these types of missions.⁵⁶ The governors scored a victory in their lobbying effort against this specific provision as it was excluded from the final House Appropriations Bill.

A news release from the NGA viewed the defeat of the controversial House legislation as a partial, but important, success.⁵⁷ Addressing their unsuccessful

lobbying efforts concerning the Senate bill, the NGA stated:

“Unfortunately the new provision gives the president and governors little guidance as to when such authority may be used. Clarification is needed so governors can focus on meeting the needs of their citizens when faced with a disaster rather than wondering if the president will unilaterally intervene. The administration must work with governors to ensure the president’s authority under the Act remains an extraordinary remedy used only in extraordinary times. At a minimum, the president should be required to consult with a governor, when possible, before using the Act to respond to a disaster.”⁵⁸



Hurricane Hugo approaching the Virgin Islands as a Category 5 hurricane.⁵⁹

The Revised Chapter 15 (17 Oct 2006 until...Repealed?)

Public Law 109-364 articulated the president’s legal authority under Section 333 to deploy federal military forces under conditions considerably more diverse than the previous version of the statute implied. Specifically, the expanded legislation clearly defined that federal military forces may be called upon to restore public order when a “natural disaster, epidemic, serious public health emergency,⁶⁰ terrorist attack, or incident⁶¹ has occurred.”

The 2006 revision to Section 333 follows in its entirety:

§ 333. Major public emergencies; interference with State and Federal law

(a) Use of armed forces in major public emergencies.⁶²

(1) The president may employ the armed forces, including the National Guard in federal service, to--

(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any state or possession of the United States, the president determines that--

(i) domestic violence has occurred to such an extent that the constituted authorities of the state or possession are incapable of maintaining public order; and

(ii) such violence results in a condition described in paragraph (2); or

(B) suppress, in a state, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

(2) A condition described in this paragraph is a condition that--

(A) so hinders the execution of the laws of a state or possession, as applicable, and of the United States within that state or possession, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that state or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

(3) In any situation covered by paragraph (1)(B), the state shall be considered to have denied the equal protection of the laws secured by the Constitution.

(b) Notice to Congress. The president shall notify Congress of the determination to exercise the authority in subsection (a)(1)(A) as soon as practicable after the determination and every 14 days thereafter during the duration of the exercise of that authority.

Statutory Construction of the Revised Act

Congress' intent becomes somewhat easier to understand when the construction of the statute is analyzed. Simply stated, the statute can be interpreted as providing the president with the authority to use federal military forces in law enforcement roles without a prior request from a state whenever one of two situations occurs, and one of two conditions exists. The intent of the statute can be restated as follows:

The president may employ federal armed forces, including federalized National Guardsmen, to restore public order and enforce the laws of the United States when at least one of the following situations and an associated condition exists:

Situation 1: As a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any state, the president determines that domestic violence⁶³ has occurred to such an extent that state and local authorities are incapable of maintaining public order; and the violence results in one of the two conditions described below.⁶⁴

Situation 2: To suppress any insurrection, domestic violence, unlawful combination,⁶⁵ or conspiracy if one of the following conditions exists. This situation would constitute a denial of equal protection under the US Constitution.⁶⁶

Condition 1: The condition so hinders the execution of state and federal law, such that any group is deprived of a Constitutional right, privilege, immunity, or protection, and state or local authorities are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection.⁶⁷

Condition 2: A condition exists which opposes or obstructs the execution of the laws of the United States, or impedes the course of justice under those laws.⁶⁸

Why Revise Section 333?

There can be little doubt that this legislation was passed to provide the president with an unambiguous legal option for spearheading a federal military disaster response that was not clearly defined as an option for President Bush following the Hurricane Katrina catastrophe. Commenting on the statutory language contained in the earlier version of Chapter 15, the drafters indicated the inadequate federal response following Hurricane Katrina was a driving factor in the new legislation:

“While these statutes grant the president broad powers to use the armed forces in situations of public disorder, the antique terminology and the lack of explicit reference to such situations as natural disasters or terrorist attacks may have contributed to a reluctance to use the armed forces in situations such as Hurricane Katrina.”⁶⁹

It is noteworthy the lawmakers sought to revise Section 333 of Chapter 15. The lawmakers could have easily drafted a completely new statute, rather than perform radical surgery on an effective statute aimed to address equal protection issues within the United States. Congress had a good reason for choosing to revise Section 333. It is clearly more difficult for opponents to criticize the expansion of an established and proven statute, than a new and untested one. The rationale for employing federal military forces to enforce laws protecting the rights of citizens when a state is overwhelmed following a major disaster or catastrophe is constitutionally sound.

One reason for revising Section 333 lies in the fact that there is already established legal precedent for its use. A legal opinion addressing 10 USC § 333 and equal protection issues was published at the beginning of the civil rights movement.⁷⁰ The opinion addressed two significant issues:

The president has the power, under the Constitution and laws of the United States, to call the National Guard into the federal service and to use those forces, together with such of the armed forces as he deems necessary, to suppress domestic violence, obstruction, and resistance to federal law and federal court orders.⁷¹

The president's authority to use federal troops under 10 USC §§ 332 and 333 is not impaired by the “Posse Comitatus Act” (18 USC § 1385).⁷²

While the attorney general's opinion specifically addressed the employment of federal military troops enforcing civil rights laws and federal court orders, it also provides some degree of legal authority to the situations described in the new legislation (natural disaster, epidemic, serious public health emergency, and terrorist attack or incident). In addressing this issue, the opinion relied upon case law from an often cited 19th century Supreme Court opinion:

"The entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care... If the emergency arises, the army of the Nation, and all its militia, are at the service of the Nation to compel obedience to its laws."⁷³

The revised statute specifically authorizes the president to federalize National Guardsmen without a governor's consent, along with deploying Title 10 forces into a state. Both types of forces would be authorized to perform traditional law enforcement missions, as neither the PCA, nor DODD 5525.5 apply when Chapter 15 is invoked. If the president chooses to invoke Section 333 and federalize the National Guard, a military response on the scale of the Hurricane Katrina catastrophe would likely become a federal military operation aligned under the Commander, US Northern Command (USNORTHCOM).⁷⁴ Having all military response forces aligned under a strategic level commander would allow for optimal unity of command. This would be especially true after a catastrophe involving several states.⁷⁵ However, this concept of operations would also remove the National Guard, one of a governor's primary assets and capabilities, from the state's disaster response. This could also have secondary effects of invalidating existing state level disaster response plans. Federalizing the National Guard for anything less than a true catastrophe would likely carry significant political consequences as states view the protection of citizens as a state responsibility.

Exclusive Presidential Authority under Chapter 15

The president has sole authority to determine when the threshold has been met to deploy and redeploy federal military forces under Chapter 15. This is supported by federal case law stipulating the president has the

authority by virtue of his constitutional duty to cause the laws to be faithfully executed, and he alone has the power to decide whether the exigencies contemplated in the Constitution have arisen.⁷⁶ Additionally, one of the Congressional reports discussing the revision provides clarification as to the legislative intent: "The provision would amend section 333 of Title 10, United States Code, *to authorize the president, in any situation in which he determined* that, as a result of a natural disaster..."⁷⁷ (emphasis added). This clearly indicates Congress' intent to convey the sole authority to the president to determine when to use federal military forces in the situations described in the statute.

The president is also responsible for determining the length of time federal military forces can be employed under 10 USC § 333. However, in an early committee report, the Senate clearly articulated its intent for the period of military involvement to be of limited duration; "the committee emphasizes that this authority is temporary, to be employed only until the state authorities are again capable of maintaining order."⁷⁸

Impact upon the States

The National Guard operating under state orders is one of a governor's primary emergency response assets.⁷⁹ The National Guard provides the types and quantities of assets (i.e., aviation, high mobility vehicles, and engineering equipment) and numbers of personnel available for emergency call-up, that are unavailable elsewhere within a state or local government. Most state emergency response plans depend heavily upon the National Guard as a state controlled resource. A state's emergency response plans could become invalid with one stroke of the presidential pen invoking Chapter 15.

While the president has clear authority to decide whether the statute's invocation threshold has been met, the actual threshold is not well defined. State officials need to be able to predict when their National Guard will be federalized, and then plan accordingly. The problem can be plainly stated as thus: states would likely lose control of their National Guard to federalization when they need this resource the most. The governors have complained that the revision was written "very open-ended without a definition of what constitutes a "serious" natural or manmade disaster."⁸⁰ Without clearly defined thresholds it is

difficult for state and federal officials to predict with any degree of certainty whether the president will federalize the National Guard.

History reveals that governors are reluctant to turn over the reins of their National Guard to federal officials.⁸¹ The most recent exception occurred during the Los Angeles riots in 1992.⁸² Upon the recommendations of Warren Christopher⁸³ and Los Angeles Mayor Tom Bradley, California Governor Pete Wilson called for federalization of the California National Guard prior to consulting with his military commanders on the scene.⁸⁴ Once federalized under Joint Task Force-Los Angeles (JTF-LA), the California National Guard was only 20 percent as responsive in supporting law enforcement requests for assistance due to a misunderstanding by commanders on the ground regarding how the PCA applied to their particular situation.⁸⁵ Therefore, in this particular situation the governor's request to federalize the National Guard resulted in a less efficient use of this military asset.

There is a general consensus at the state level that Title 10 commanders are at a distinct disadvantage in performing domestic support operations due to less familiarity with the local terrain, infrastructure, and population. One of the National Guard's primary missions is to provide support to their communities during times of disaster. Generally, guardsmen are accustomed to working with local and state disaster response personnel. As expressed by Senator Leahy, Co-Chair of the Senate's National Guard Caucus, "one can easily envision governors and mayors in charge of an emergency having to constantly look over their shoulders while someone who has never visited their communities gives the orders."⁸⁶

Any operation involving federalization of the National Guard should be planned to incorporate National Guard officers into senior staff positions within the federal joint task force established for the operation. In this regard, JTF-LA may have set a precedent. The JTF-LA Commander established two subordinate task forces, one Army and one Marine. US Army and federalized Army National Guard forces were commanded by a federalized Army National Guard general officer.⁸⁷ This type of task force organization successfully leveraged the capabilities of the military components involved in the operation.

Who pays for the federal military response under 10 USC § 333?

Historically, when federal military forces have been deployed to assist with disaster recovery within the United States, they are sent in response to a specific request from a state in accordance with the Stafford Act.⁸⁸ Under the Stafford Act, when a state requests federal assistance, the state bears responsibility for up to 25 percent of the costs associated with the deployment of Department of Defense (DOD) assets, and the federal government funds the remainder.⁸⁹

Historically, states have paid the costs for National Guardsmen on state active duty (SAD) orders performing disaster response operations. However, Hurricane Katrina set a new precedent for funding National Guard disaster response. Whether it was a good or bad precedent depends on which level of government you are viewing it from. Initially, guardsmen were ordered by their governors to respond on SAD. However, within days federal Title 32 funding was authorized for the entire National Guard response and practically all the guardsmen were transitioned to Title 32 orders.⁹⁰ The response eventually resulted in the largest National Guard domestic disaster response in the history of our country.⁹¹ It is quite likely that following future catastrophes, states will again look to the Secretary of Defense for Title 32 funding authorization.⁹² With federal funding, the states can mobilize large numbers of guardsmen without regard to state budget constraints. However, there are many within the federal government who believe an investment of federal Title 32 dollars to pay Guardsmen under state command and control should allow for an increased level of federal military oversight of the response. There are others who believe federal funding of the National Guard for state disaster response operations is inappropriate and, if federal funding is involved, a federal military commander should be in control.

PL 109-364 also added a new section to Chapter 152 of Title 10 (Issue of Supplies, Services, and Facilities) to specifically address situations when the president invokes Section 333 for "major public emergencies."⁹³ The addition of 10 USC § 2567 authorizes the president to direct the secretary of defense to provide supplies, services, and equipment to persons affected whenever he exercises his authority under 10 USC § 333(a)(1)(A).⁹⁴ The types of supplies, services, and equipment provided under this section are

comprehensive for a disaster response and may include “food, water, utilities, bedding, transportation, tentage, search and rescue, medical care, minor repairs, the removal of debris, and other assistance necessary for the immediate preservation of life and property.”⁹⁵ The statute limits the amount of support that may be provided, which will be situation dependant on the ability of the state and other federal authorities to respond and meet the requirements.⁹⁶

Actions taken under 10 USC § 2567 will not be subject to the provisions of the Stafford Act.⁹⁷ Therefore, it appears the costs associated with a federal military response under 10 USC § 333(a)(1)(A) would be the sole responsibility of the federal government. This provision makes good economic and political sense as the states would be receiving assistance they have not requested under the Stafford Act. This provision could effectively remove a heavy financial burden from a state following a catastrophe, a period of time when the local and state economies would likely be stressed to reimburse the federal government.

Relationship to EMAC

Generally, when states require assistance beyond their resources, they generate requests for assistance to other states under the Emergency Management Assistance Compact (EMAC).⁹⁸ Under EMAC, the requesting state reimburses the supporting states for all costs associated with the assistance. EMAC support depends entirely on voluntary state-to-state assistance. Within EMAC one state cannot be compelled to support another state with personnel or equipment. Immediately following Hurricane Katrina’s landfall, tens of thousands of guardsmen voluntarily deployed to Louisiana and Mississippi from unaffected states. Because the EMAC system was not designed to handle the enormity of the catastrophe, many guardsmen deployed prior to official EMAC requests being entered into the system.

Under the revision to 10 USC § 333, the president has the authority to federalize guardsmen from unaffected states and deploy them into a disaster area. This action would be independent of whether he chose to federalize the National Guard of the affected state. This course of action would be particularly useful following an event involving a weapon of mass destruction when the governor of an unaffected state would be unlikely to

deploy his guardsmen into a contaminated area. Under EMAC, no scenario would be more challenging for a governor than to deploy his guardsmen into a situation involving a biological agent, such as an anthrax or smallpox attack, or an influenza pandemic. Since the governor of one state owes no duty to the citizens of another state, it is unlikely a governor would assume the political risks of sending guardsmen into such a situation.

The presidential authority provided in 10 USC § 333 would be especially valuable in a regional disaster scenario covering multiple states, when several states may have similar outstanding requirements for limited National Guard assets possessing special capabilities. Under EMAC, no single authority may direct one state to support another state. The National Guard Bureau (NGB) does not possess operational command authority and cannot order guardsmen from one state to perform duties in their home state, or any other state. Under the revised Chapter 15, the president clearly has the authority to allocate the deployment of federalized National Guard assets for the benefit of the nation as a whole during regional or national level catastrophic events.

Efforts to Revoke the Revision

The president’s signature on PL 109-364 was barely dry before an effort was underway to revoke the entire revision to Chapter 15. On 7 February 2007, Senators Leahy and Bond introduced Senate Bill 513 which, if signed into law, will repeal all of the changes incorporated in Section 1076 of PL 109-364 and revive the previous version of Chapter 15. An identical bill, House Resolution 869, was introduced in the lower chamber of Congress by Representative Tom Davis on the same day. Both of these bills were incorporated in the initial versions of the House and Senate Fiscal Year 2008 Defense Appropriation Bills emerging from their respective chamber committees.

While introducing his bill, Senator Leahy cited the language in the earlier version of Chapter 15 as providing a “useful ambiguity” and “constructive friction” which created “an inherent tension” requiring the president to invoke the provisions “with great caution, and with the impetus for appropriate consultation.”⁹⁹ He also surmised:

“The local officials who know their communities are in the best positions to control the situation, not the president or the military... Repeal is crucial to ensuring that our governors and local officials remain in control and that they are consulted when anyone considers overriding their authority. Repeal is simply essential to ensuring the military is not used in a way that offends and endangers some of our more cherished values and liberties.”¹⁰⁰

The current legislative efforts to revoke the revision are supported by the NGA,¹⁰¹ the Adjutants General Association of the United States (AGAUS),¹⁰² the National Guard Association of the United States (NGAUS),¹⁰³ and the Enlisted Association of the National Guard of the United States (EANGUS).¹⁰⁴ These organizations’ views are best expressed by the NGA:

“The changes made to the “Insurrection Act” by Section 1076 of the National Defense Authorization Act are likely to confuse the issue of who commands the Guard during a domestic emergency. By granting the president specific authority to usurp the Guard during a natural disaster or emergency without the consent of a governor, Section 1076 could result in confusion and an inability to respond to residents’ needs because it calls into question whether the governor or the president has primary responsibility during a domestic emergency.”

Conclusion

Historically, US presidents have shown restraint in employing Title 10 forces and federalizing the National Guard for civil support missions within the United States. Whatever decision Congress makes regarding the 2006 revision to Chapter 15, it is imperative that the president has clear authority to utilize federal military forces to enforce civil order following catastrophic events when state and local law enforcement authorities are unable or unwilling to do so. With the current asymmetric threat posed by non-state actors involving the use of weapons of mass destruction, the United States faces a situation today that was not envisioned even a decade ago.

Hurricane Katrina’s devastation upon the City of New Orleans provides some insight into the ability of a state and the federal government to respond to a catastrophic event involving a medium-sized city. As a result of that response Congress took action to clarify the president’s authority under Chapter 15. As of this writing, it

appears Congress is likely to repeal the 2006 revision in its entirety due to political pressure from those who view the revision as infringing on the duty of a state to protect its citizens.

Regardless of what Congress chooses to do regarding the 2006 revision to Chapter 15, the authority for deploying military forces under Chapter 15 needs to be clear and well-defined in order for civilian and military planners to prepare for the types of events Americans hope will never occur. While many would rather not think about it, the catastrophic damage from Katrina involved only one city. On 9-11 we learned that terrorists have the ability and desire to attack multiple targets simultaneously. If multiple cities or regions of the country experience catastrophic damage from a terrorist attack or natural disaster, the president will need broad authority to coordinate the national response. This includes the authority to utilize our nation’s military forces for the good of the United States as a whole.

The debate in Congress on exactly what authority the president should have during periods of national emergencies needs to take place now and not in the days immediately following a catastrophic event. Once debated, that authority needs to be clearly articulated in statute for the benefit of civilian and military disaster planners.

Endnotes:

¹ James Madison (pseudonym “Publius”), “The Alleged Danger From the Powers of the Union to the State Governments Considered,” *Federalist* No. 45, January 26, 1788.

² B. M. Rich, *The Presidents and Civil Disorder* (Brookings Institution, 1941) at 219. Quoted in Final Report of Cyrus R. Vance, Special Assistant to the Secretary of Defense Concerning the Detroit Riots, July 23 through August 2, 1967. Available online at: <http://www.lib.illinois.edu/Johnson/archives.hom/oralhistory.hom/Vance-C/DetroitReport.asp#Law>

³ There were actually more than two simultaneous military responses within the Hurricane Katrina disaster. The states of Louisiana and Mississippi both conducted mobilizations of their National Guard functioning with separate headquarters under the command of their respective governors. The active duty DOD military response was orchestrated by US Northern Command and was assigned to Joint Task Force Katrina, commanded by Louisiana native Lieutenant General Russell Honoré. Additionally, a vast response effort was conducted by the U.S. Coast Guard (USCG). The USCG is defined under 14 USC § 1 as a military service but it is aligned under the US Department of Homeland Security (DHS), rather than DOD.

⁴ Statutes governing active duty military forces are compiled in Title 10 of the United States Code (USC). In this article they are generally referred to as "Title 10 forces." The National Guard is covered under Title 32 of the USC. Unlike active duty federal forces, the National Guard has a dual state and federal mission. The National Guard generally operates in its Title 32 status (federally funded with state command and control (C2)) except when federalized under Title 10 (federally funded with federal C2). The National Guard can also be placed on state active duty status (state funded and state C2 under the Governor and Adjutant general) for civil support and/or disaster response missions within a state. State active duty is governed under the constitution or statutes of the state.

⁵ The National Guard response to Hurricane Katrina topped 50,000 while the Title 10 response reached over 20,000 personnel. The largest Title 10 response to a domestic disaster, Hurricane Andrew in 1992, approached almost 24,000. The combined Department of Defense response reportedly peaked at 20 ships; 346 helicopters; 68 fixed wing aircraft; and 72,614 personnel. See, Lynn Davis et al, Rand Corporation Report MG603, "Hurricane Katrina -Lessons for Army Planning and Operations," 2007, pp. 19-38.

⁶ The following exchange is excerpted from a Hearing of the U.S. Senate Homeland Security and Governmental Affairs Committee, Subject: "Hurricane Katrina: The Role of the Governors in Managing the Catastrophe," February 2, 2006:

"SEN. WARNER: When you decided about the utilization of the federal troops, you wanted boots on the ground.

GOV. BLANCO: I wanted boots on the ground.

SEN. WARNER: And you wanted those boots to have full authority to assist law enforcement?

GOV. BLANCO: No, sir.

SEN. WARNER: You didn't.

GOV. BLANCO: No. I had the National Guard for that, and that is why I did not want the Guard federalized. It's very important for a governor to be able to retain control of the National Guard precisely for its law enforcement capabilities. Many of the members of the Guard who work as security forces are actually civil law enforcement officers in their daily work, so they know the rules; they know the parameters; they know the language of local law enforcement, which is very different from military protocols. And so I think it's very important to respect the time-honored issues of Posse Comitatus. I would urge you not to do anything to alter that. I think that the recommendation that I would make is, if and when a governor requests additional federal troops, in our case, we needed people. We needed people who could go in and carry out very difficult missions, which indeed they did, afterward. And that was going from home to home, you know, doing the searches."

⁷ It was reported that during a meeting between the Chief of the National Guard Bureau, LTG Steven Blum, and Gov. Blanco, LTG Blum advised the governor to not request the federalization of her National Guard forces, telling her, "You don't want to do that. You lose control, and you don't get one

more boot on the ground." Hsu, Spencer S., "Documents highlight Bush-Blanco standoff," The Washington Post, 5 December 2005, page A10. Governor Blanco later testified before Congress that LTG Blum had advised her to oppose the federalization of her state's National Guard forces. See also, Testimony of Louisiana Governor Kathleen Blanco before the U.S. Senate Homeland Security and Governmental Affairs Committee, 2 February 2006.

⁸ The New York Times reported, "The issue of federalizing the response was one of several legal issues considered in a flurry of meetings at the Justice Department, the White House and other agencies, administration officials said. Attorney General Alberto R. Gonzales urged Justice Department lawyers to interpret the federal law creatively to help local authorities, those officials said.... On the issue of whether the military could be deployed without the invitation of state officials, the Office of Legal Counsel, the unit within the Justice Department that provides legal advice to federal agencies, concluded that the federal government had authority to move in even over the objection of local officials." Eric Lipton, Eric Schmitt and Thom Shanker, "Political Issues Snarled Plans for Troop Aid," N.Y. Times, Sept. 9, 2005 at A1. Available online at: <http://www.nytimes.com/2005/09/09/national/nationalspecial/09military.html?ex=1283918400&en=aa642c94881e7c01&ei=5088&partner=rssnyt&emc=rss>

⁹ The New York Times anonymously quoted a senior administration official, "Can you imagine how it would have been perceived if a president [of the United States] of one party had pre-emptively taken from the female governor of another party the command and control of her forces, unless the security situation made it completely clear that she was unable to effectively execute her command authority and that lawlessness was the inevitable result?" Id.

¹⁰ The dispatching of federal troops could include deploying active duty Title 10 forces into the state and federalizing the National Guard of any state (including Louisiana) and placing them under the command and control of Joint Task Force Katrina, stood up by the Department of Defense to orchestrate the federal military response.

¹¹ As of this writing both Houses of Congress have approved bills to repeal the changes to Chapter 15 of Title 10 that were made under Section 1076 of Public Law 109-364. As of this writing the Defense Appropriations Bill for Fiscal Year 2008, containing the repeal, had not been signed into law.

¹² During the two years of the 109th Congress, 6,432 bills were introduced in the House and 5,105 were introduced in the Senate. Of these, President Bush eventually signed 396 into law, of which 98 dealt solely with the naming of federal buildings. http://www.oeregister.com/oeregister/news/homepage/article_1403630.php

¹³ Public Law 109-364 is posted on the web at: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ364.109.pdf

¹⁴ The United States Code (USC) is organized into fifty titles, each representing a different subject area. Title 10 of the USC contains the statutes related to the federal military and is titled "Armed Forces." Title 10 is currently organized

into 104 chapters. Most chapters contain several statutes, which are identified as a section to the Title, example: Section 333 to Title 10 (10 USC §§ 333).

¹⁵ The so-called “Insurrection Act” is not one act or law, but a compilation of five statutes signed into law separately and organized together within Chapter 15 of Title 10.

¹⁶ 10 USC § 333.

¹⁷ Chapter 15 is referred to as the “Public Order Act” in an Information Paper published by Army North, USNORTHCOM, dated January 4, 2007 and an Information Paper published by Joint Task Force – Civil Support, USNORTHCOM, dated January 18, 2007.

¹⁸ The National Guard is statutorily tasked with federal and state missions under two federal authorities, Title 10 (Armed Forces) and Title 32 (National Guard) of the US Code, and under applicable state statutes, which vary from state to state. Traditional part-time Guardsmen are in Title 32 status unless ordered otherwise. When ordered to Title 10 status (commonly referred to as “federalized”) the National Guard is federally funded and under federal command and control. When federalized under Title 10 orders, members of the National Guard are covered under the same directives, regulations, and laws as active duty Title 10 forces.

¹⁹ “The decision whether to use troops” [Title 10 military forces] “or the militia” [federalized National Guard] “in quelling a civil disorder is exclusively within the province of the president. The Courts also have made it clear that presidential discretion in exercising those powers granted in the Constitution and in the implementing statutes is not subject to judicial review.” *Monarch Insurance Company v. District of Columbia*, 353 F Supp 1249, 1255.

²⁰ James Madison (pseudonym “Publius”), “The Influence of the State and Federal Governments Compared,” *Federalist* No. 46, January 29, 1788. Madison countered those of his day who were apprehensive of granting too much power to the federal government by stating, “the powers proposed to be lodged in the federal government are as little formidable to those reserved to the individual States, as they are indispensably necessary to accomplish the purposes of the Union; and that all those alarms which have been sounded, of a meditated and consequential annihilation of the State governments, must, on the most favorable interpretation, be ascribed to the chimerical fears of the authors of them.”

²¹ James Madison (pseudonym “Publius”), “The Alleged Danger From the Powers of the Union to the State Governments Considered,” *Federalist* No. 45, January 26, 1788.

²² U.S. CONST. art 1, § 8, cl. 15.

²³ U.S. CONST. art 1, § 8, cl. 1.

²⁴ U.S. CONST. art 1, § 8, cl. 18.

²⁵ 32 Code of Federal Regulations (CFR) 501.1(a), “Basic Policies.”

²⁶ 32 CFR 215.4(a), “Legal Considerations.”

²⁷ 1 Stat. 424, “An Act to provide for calling forth the Militia to execute the Laws of the Union”, Feb 28, 1795. Additional legislation was added on July 29, 1861 which later evolved into 10 USC §§ 332, 334.

²⁸ 10 USC § 331 states, “Whenever there is an insurrection in any State against its government, the president may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.”

²⁹ 10 USC § 332 states, “Whenever the president considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.”

³⁰ 10 U.S.C § 334, “Proclamation to disperse,” states: “Whenever the president considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents or those obstructing the enforcement of the laws to disperse and retire peaceably to their abodes within a limited time.”

³¹ 10 USC § 335, “Guam and Virgin Islands included as “State,”” reads “For purposes of this chapter, the term “State” includes Guam and the Virgin Islands.” Guam was added in 1968 and a revision in 1980 added the Virgin Islands. As it is not specifically defined within the statute, it is unclear whether Chapter 15 is applicable to the Commonwealth of Puerto Rico which, like Guam and the Virgin Islands, has a National Guard.

³² Chapter 15 to Title 10 (10 USC §§ 331-335) is considered a statutory exception to the Posse Comitatus Act (PCA), 18 USC § 1385, as it falls under the “expressly authorized by the Constitution or Act of Congress” exception clause within the PCA. Originally enacted in 1878, the PCA is a criminal statute which states: “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.”

³³ This includes the Army, Air Force, Navy and Marine Corps. While the U.S. Coast Guard is defined in 14 USC § 1 as “a military service and a branch of the armed services at all times,” DODD 5525.5 does not apply to the Coast Guard except when it is operating as a service in the US Navy under 14 USC § 3.

³⁴ DODD 5525.5, “DOD Cooperation with Civilian Law Enforcement Officials,” Section E.4.1.2. This directive was promulgated in response to 10 USC § 375, which states: “The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include

or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.” The following types of direct assistance to civilian law enforcement officials are prohibited under section E.1.3.: Interdiction of a vehicle, vessel, aircraft, or other similar activity; a search or seizure; an arrest, apprehension, stop and frisk, or similar activity; and use of military personnel for surveillance or pursuit of individuals, or undercover agents, informants, investigators, or interrogators.

³⁵ DODD 5525.5 section E.4.1.3 prohibits the following forms of direct assistance to civilian law enforcement agencies: (1) Interdiction of a vehicle, vessel, aircraft, or other similar activity; (2) A search or seizure; (3) An arrest, apprehension, stop and frisk, or similar activity; and (4) Use of military personnel for surveillance or pursuit of individuals, or as undercover agents, informants, investigators, or interrogators.

³⁶ The requests for military assistance occurring between 1838 to 1943 are described on the following website: <http://www.lbjlib.utexas.edu/johnson/archives.hom/oralhistory.hom/Vance-C/AppendixH.asp>

³⁷ April 20, 1871, Chapter 22, § 3, 17 Stat. 14. The Fourteenth Amendment to the US Constitution (Rights Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection) was promulgated on July 28, 1868. Section 1 of the amendment reads as follows: “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Section 5 of the amendment reads: “The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

³⁸ 10 USC § 333 (Aug 10, 1956, chapter 1041, § 1, 70A Stat. 15.)

³⁹ This fact was somewhat misrepresented by at least one organization opposing the revision. In a letter dated April 30, 2007 addressed to Senator Leahy from Mr. Chuck Canterbury, President of the Fraternal Order of Police, Mr Canterbury stated, “Ten times in the last fifty years the Act has been invoked by presidents and on every occasion in the last forty, it was done with the consent of the governors...” In reality, 10 USC §§ 331 and 332 were invoked on only five occasions between 1967 and 2007, each time with the consent of the governor. However, in the nine years occurring between 1957 and 1965, 10 USC § 333 was invoked five times without the governors’ consent or approval. Since Section 333 was the only section changed in the 2006 revision, the author is misrepresenting his facts, which are technically correct.

⁴⁰ Executive Order (E.O.) 10730, Sept. 24, 1957. A total of 9,873 federalized Arkansas National Guardsmen, along with approximately 1,000 active duty soldiers from the 101st Airborne Division assisted in maintaining order during this operation.

⁴¹ E.O. 11053, Sept. 30, 1962. Nearly 11,000 federalized Mississippi National Guardsmen were involved during this operation.

⁴² E.O. 11111, June 11, 1963. The Alabama National Guard was federalized after Governor George Wallace stood in the doorway of the University of Alabama at Tuscaloosa to prevent integration.

⁴³ E.O. 11118, Sept. 10, 1963. Following the integration of Tuskegee High School in Huntsville, Alabama, the state’s National Guard was again federalized.

⁴⁴ E.O. 11207, March 20, 1965. In response to national outrage at the television images of civil rights marchers being beaten by Alabama law enforcement personnel on March 7, 1965 during the first march from Selma to Montgomery, a total of 4,000 Alabama National Guardsmen were federalized to protect participants in the second march that began on March 21, 1965.

⁴⁵ Photograph by Peter Pettus. Prints and Photographs Division, Library of Congress. Posted online at: <http://www.loc.gov/exhibits/civilrights/images/cr0030s.jpg>

⁴⁶ E.O. 12690, Sept. 22, 1989. This executive order signed by President George H.W. Bush provided for the restoration of law and order in the Virgin Islands following Hurricane Hugo.

⁴⁷ E.L Quarantelli, “The Myth and the Realities: Keeping the “Looting” Myth in Perspective,” *Natural Hazards Observer*, Volume XXXI, Number 4, page 2, March 2007.

⁴⁸ E.O. 12690 did not actually cite 10 USC § 331, but rather like most other invocations of the “Insurrection Act” it merely cited “the provisions of Chapter 15 of Title 10.” According to Congressional testimony by LTG Blum on April 24, 2007, a total of 954 Army and 29 Air National Guardsmen were mobilized in the Virgin Islands in 1989, which would comprise most of the territory’s National Guard force.

⁴⁹ George Bush, “Memorandum on the Civil Disorder in the United States Virgin Islands” for the Attorney General and the Secretary of Transportation, September 21, 1989, Posted at: <http://bushlibrary.tamu.edu/research/papers/1989/89092102.html>

⁵⁰ William Branigin, “Hurricane Hugo Haunts Virgin Islands,” *Washington Post*, Page A1, October 31, 1989, posted at: <http://www.washingtonpost.com/wpsrv/national/longterm/hurricane/archives/hugo89a.htm>

⁵¹ Although only two persons were reported killed with eighty hospitalized, it was reported that ninety percent of the buildings on St. Croix were damaged with communications and transportation systems knocked out. Additionally, damage at the Hess oil refinery, the largest in the western hemisphere at that time, was estimated at \$100 million and resulted in a massive oil spill contaminating beaches and water supplies. *Id.*

⁵² The revision was contained in Section 1042 of Senate Bill 2766.

⁵³ The bill passed by an overwhelming majority of 94-0 in the US Senate and 398-23 in the US House of Representatives.

⁵⁴ Governors Janet Napolitano, Tim Pawlenty, Michael F. Easley and Mark Sanford, representing the National Governors Association (NGA), to The Honorable Donald Rumsfeld, letter, August 31, 2006. A near identical letter was sent on the same date to the Senate Majority Leader, Sen. Bill Frist; Senate Minority Leader, Sen. Harry Reid; Speaker of the House of Representatives, Rep. Dennis Hastert; and House Minority Leader, Nancy Pelosi. Copies of the letters are posted on the NGA website: <http://www.nga.org>

⁵⁵ Governors Mike Huckabee and Janet Napolitano, representing the National Governors Association, to The Honorable Duncan Hunter, Chairman of the US House of Representatives Committee on Armed Services, and to The Honorable Ike Skelton, Ranking Member of the same committee, letter, August 1, 2006. Posted on the NGA website: <http://www.nga.org>

⁵⁶ 10 USC § 12304 currently authorizes the president to involuntarily federalize up to 200,000 members of the Selected Reserve, to include the National Guard, for up to 365 days “to augment active duty forces for any operational mission” or to provide assistance in responding to, “(1) a use or threatened use of a weapon of mass destruction;” or (2) a terrorist attack or threatened terrorist attack in the United States that results, or could result, in significant loss of life or property.” Additionally, 10 USC § 12304(c) provides the following limitation: “Except to perform any of the functions authorized by chapter 15 ... no unit or member of a reserve component may be ordered to active duty under this section to provide assistance to either the federal government or a State in time of a serious natural or manmade disaster, accident, or catastrophe.” An analysis of the statute suggests that if the phrase “any operational mission” is interpreted to include “functions authorized by chapter 15,” the president already has the authority needed to federalize guardsmen responding to a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident. Previous examples of “operational missions have included the Arabian Peninsula in 1990 and 2003, Haiti in 1994, the former Yugoslavia in 2003 and Southwest Asia in 2003. The House language that was not included in the final bill to include “a serious natural or manmade disaster, accident or catastrophe” as permitted types of emergencies would have served to clarify the president’s authority under this statute. Separate statutory authority is provided in 10 USC § 12406 permitting the president to federalize the National Guard whenever, (1) the United States, or any of the Commonwealths or possessions, is invaded or is in danger of invasion by a foreign nation; (2) there is a rebellion or danger of a rebellion against the authority of the government of the United States; or (3) the president is unable with the regular armed forces to execute the laws of the United States.

⁵⁷ National Governors Association News Release, “Governors Achieve Partial Victory in Defense Authorization Bill; Seek Clarification of Presidential Power,” Oct 4, 2006. Posted on the NGA website: <http://www.nga.org>

⁵⁸ Id. The news release goes on to state: “Governors are pleased House and Senate conferees dropped a provision in the Defense Authorization bill that would permit the president to federalize the National Guard in a serious manmade or natural disaster, but disappointed Congress included language expanding the president’s authority under the Insurrection Act. Governors also are troubled that federal decision makers continue to change national policy regarding the National Guard without first consulting with governors.”

⁵⁹ National Oceanic and Atmospheric Administration (NOAA) photo available at: <http://www.photolib.noaa.gov/htmls/wea00447.htm>

⁶⁰ The term “serious public health emergency” is not defined in the USC; however, “public health emergencies” are addressed in 42 USC § 247d. A “public health emergency” may be declared by the Secretary of Health and Human Services upon a finding that a disease or disorder presents a public health emergency, or a significant outbreak of an infectious disease or a bioterrorist attack has occurred.

⁶¹ Terrorism is defined in 6 USC § 101.

⁶² The term “major public emergencies” is not explicitly defined within the United States Code. It could be argued that the phrase is self-defined within the totality of the conditions described in 10 USC § 333(a).

⁶³ The term “domestic violence” as used in 10 USC § 333 is not defined within the Code and is not the best term for this statute’s construction. The term is normally used in accordance with its definition as articulated in the Violence Against Women and Department of Justice Reauthorization Act of 2005 where it refers to crimes of violence committed by a current or former spouse of a victim, or a person the victim shares a child in common, or by a person with whom the victim has cohabitated with as a spouse. Alternatively, it would have been logical to use the term “civil disturbance” in the revised statute. This term is defined in 32 CFR 215.3 as: “Civil disturbances are group acts of violence and disorders prejudicial to public law and order within the 50 States, District of Columbia, Commonwealth of Puerto Rico, US possessions and territories, or any political subdivision thereof. The term civil disturbance includes all domestic conditions requiring the use of federal armed forces pursuant to the provisions of Chapter 15 of Title 10, United States Code.” (emphasis added)

⁶⁴ See 10 USC § 333(a)(1)(A).

⁶⁵ The phrase “unlawful combination” is used to mean a conspiracy against the government. Merriam Webster Dictionary defines “combination” as “a result or product of combining; especially : an alliance of individuals, corporations, or states united to achieve a social, political, or economic end.”

⁶⁶ See 10 USC §§ 333(a)(1)(B) and 333(a)(3).

⁶⁷ See 10 USC § 333(a)(2)(A).

⁶⁸ See 10 USC § 333(a)(2)(B).

⁶⁹ Senate Report 109-254, National Defense Authorization Act for 2007 Report [To Accompany S. 2766] On Authoriz-

ing Appropriations For Fiscal Year 2007 For Military Activities Of The Department Of Defense, For Military Construction, And For Defense Activities Of The Department Of Energy, To Prescribe Personnel Strengths For Such Fiscal Year For The Armed Forces, And For Other Purposes, Conference Report to Accompany H.R. 5122, pp. 383-384, May 9, 2006.

⁷⁰ 41 Op. Atty Gen. 313, "President's Power To Use Federal Troops To Suppress Resistance To Enforcement Of Federal Court Orders-Little Rock, Arkansas," November 7, 1957.

⁷¹ Id. at 1.

⁷² Id. at 2.

⁷³ In Re Debs, 158 US 564, 582 (1894).

⁷⁴ Following Hurricane Katrina's landfall approximately 50,000 Guardsmen representing every state, along with approximately 20,000 Title 10 forces participated in the response effort. The Guardsmen were commanded by the Adjutant General of the state they responded to (Mississippi or Louisiana) and the Title 10 forces were commanded by LTG Russell Honore', Commander of Joint Task Force Katrina. LTG Honore' reported to the Commander, US Northern Command (USNORTHCOM), who then reported to the Secretary of Defense.

⁷⁵ Most experts agree that the damage from Hurricane Katrina rose to the level of a catastrophe when the levees broke in New Orleans and much of the city was flooded, resulting in significant loss of life and displacement of the population. Had the flooding not occurred, the damage in New Orleans would likely not have reached catastrophic levels. Wind and storm surge damage from the storm was actually worse in Mississippi.

⁷⁶ See, *Martin v. Mott*, 25 US 19 (1827); *Ex Parte Field*, 9 F.Cas.1 (1862); *McCall v. McDowell*, 15 F.Cas. 1235 (1867); *Consolidated Coal & Coke Co. v. Beale*, 282 F. 934 (1922); *Smith v. United States*, 330 F.Supp. 867 (1971); *Alpirn v. Huffman*, 49 F.Supp. 337 (1943); *Brown v. Bernstein*, 49 F.Supp. 728 (1943); *Sterling v. Constantin*, 287 US 378 (1932); *Cox v. McNutt*, 12 F.Supp. 355 (1935).

⁷⁷ House of Representatives Report 109-702, John Warner National Defense Authorization Act for Fiscal Year 2007 Conference Report to Accompany H.R. 5122, page 819, September 29, 2006.

⁷⁸ "Report 109-254, National Defense Authorization Act For Fiscal Year 2007, Report [To Accompany S. 2766] on Authorizing Appropriations for Fiscal Year 2007 for Military Activities of the Department of Defense, for Military Construction, and for Defense Activities of the Department of Energy, To Prescribe Personnel Strengths for such Fiscal Year for the Armed Forces, and for Other Purposes," Page 384, May 9, 2006.

⁷⁹ Either within the state constitution or under state statute, a governor is empowered as the Commander-in-Chief of the state's National Guard and is authorized to order the organization into active state service under specified conditions. While serving on state active duty orders, Guardsmen are paid by their state and are commanded by state officers

according to state law. The one exception is the DC National Guard where the president is always the Commander-in-Chief.

⁸⁰ Governors Mike Huckabee and Janet Napolitano representing the National Governors Association, to The Honorable Duncan Hunter, Chairman of the US House of Representatives Committee on Armed Services, and to The Honorable Ike Skelton, Ranking Member of the same committee, letter, August 1, 2006. Posted on the N.G.A. website: <http://www.nga.org>

⁸¹ "There is not a governor in this country, four territories or DC, the mayor of DC, who would give up control of the National Guard. You absolutely have to have the law enforcement capacity of the Guard in these circumstances," per the testimony of Governor Kathleen Babineaux Blanco before the Senate Homeland Security and Governmental Affairs Committee, February 2, 2006. Similarly, during the hearing Governor Haley Barbour of Mississippi commented; "We didn't need the federal government to run our National Guard."

⁸² The Los Angeles Riots erupted late in the afternoon of April 29, 1992 following the acquittal of four white police officers charged with the beating of Rodney Glen King, a black felon and ex-convict who had resisted arrest after leading police on a high speed car chase. A portion of the arrest was recorded on a personal video camera clearly showing the officers using extreme force to subdue to subject. When the rioting finally ended after five days of violence, fifty-four individuals (mostly Koreans and Latinos) were dead. Hundreds of people, including sixty firefighters, were injured. Looting and fires resulted in more than one billion dollars in property damage. Over 7,000 individuals were arrested during the rioting.

⁸³ At the time of the L.A. riots, Warren Christopher chaired the Independent Commission on the Los Angeles Police Department, which was informally known as the Christopher Commission. The commission was formed by Mayor Tom Bradley in the wake of the Rodney King beating. Mr. Christopher would later become the 63rd United States Secretary of State while serving under President Bill Clinton.

⁸⁴ William W. Mendel, "Combat in Cities: The LA Riots and Operation Rio," July 1996, p. 3. At the time, Governor Wilson was considered by many to not have a particularly good relationship with his National Guard.

⁸⁵ Lieutenant Colonel Christopher M. Schnaubelt, "The 1992 Los Angeles Riots, Lessons in Command and Control from the Los Angeles Riots," *Parameters*, Summer 1997, pp. 88-109.

⁸⁶ Senator Patrick Leahy, "News Conference On The National Guard Empowerment Act," September 19, 2006, posted at: <http://leahy.senate.gov/press/200609/091906a.html>

⁸⁷ Lieutenant Colonel Christopher M. Schnaubelt, "The 1992 Los Angeles Riots, Lessons in Command and Control from the Los Angeles Riots," *Parameters*, Summer 1997, pp. 88-109. The commander of the 40th Infantry Division (Mechanized), CANG, Major General Daniel Hernandez, was designated to command the Army forces. In footnote 29, the

author states: "The structure placed an active component brigade from the 7th Infantry Division (Light) under command of a (federalized) National Guard general. This decision by the JTF commander, Major General Marvin Covault—who was also the 7th Infantry Division commander—was politically astute. It demonstrated his confidence in the CANG's senior officers and helped to assuage animosity between active component and National Guard leaders and troops."

⁸⁸ The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC § 5121 et seq. Specifically, 42 USC § 5170 addresses a request by the governor of an affected state for a presidential declaration of a "major disaster" or "emergency" in order to trigger the provisions of the Stafford Act.

⁸⁹ 42 USC § 5170b(c)(4). "Federal share."

⁹⁰ Gordon England, Acting Secretary of Defense, Memorandum for Secretary of the Army and Acting Secretary of the Air Force, Subject: Hurricane Katrina Relief Efforts, 7 September 2005.

⁹¹ The National Guard response eventually totaled over 50,000 personnel representing all 54 National Guard organizations.

⁹² Apparently, the authorization for Hurricane Katrina funding fell under 32 USC § 902(a) which states, "the Secretary of Defense may provide funds to a governor to employ National Guard units or members to conduct homeland defense activities that the Secretary, determines to be necessary and appropriate for participation by the National Guard units or members, as the case may be." The homeland defense activities identified by Governor Blanco in her request included protection of critical infrastructure within the disaster area.

⁹³ 10 USC § 2567. "Supplies, services, and equipment: provision in major public emergencies."

⁹⁴ 10 USC § 2567(a). "Provision authorized."

⁹⁵ 10 USC § 2567(b). "Covered supplies, services and equipment."

⁹⁶ 10 USC § 2567(c). "Limitations."

⁹⁷ 10 USC § 2567(d), "Inapplicability of certain authorities. The provision of supplies, services, or equipment under this section shall not be subject to the provisions of section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC § 5170b(c)."

⁹⁸ Ratified by the US Congress in 1996 in Public Law 104-321, EMAC is an agreement among all 50 states, the District of Columbia, Puerto Rico and the Virgin Islands and is administered by the National Emergency Management Association (NEMA) to provide assistance across state lines when a disaster occurs. While efficient at providing state to state assistance during most disasters, EMAC in 2005 was generally regarded by many as inadequate and overwhelmed during the early weeks of the Katrina catastrophe as it was unable to fully process the enormous number of requirements immediately following the catastrophe. The EMAC 2005 Hurricane Season response After-Action Report cites

the following numbers from Hurricanes Katrina and Rita: Total missions worked: 2,181; "Fulfilled/Completed REQ-A Missions": 1,599; Total number of personnel: 65,929 (of which approximately two-thirds were National Guard); Total Estimated Cost: \$830M.

⁹⁹ Senator Patrick Leahy, Congressional Record – Senate, page S1713, February 7, 2007.

¹⁰⁰ Id.

¹⁰¹ Governors Michael F. Easley and Mark Sanford, Co-Leads on the National Guard, representing the National Governors Association, to The Honorable Patrick J. Leahy and The Honorable Christopher "Kit" Bond, letter, February 5, 2007. Published in the Congressional Record at S1713, February 7, 2007.

¹⁰² MG Roger P. Lempke, President of the AGAUS, to The Honorable Patrick Leahy and The Honorable Kit Bond, letter, February 7, 2007. Published in the Congressional Record at S1713, February 7, 2007.

¹⁰³ BG (Ret) Stephen M. Koper, President of the NGAUS, to The Honorable Patrick Leahy and The Honorable Christopher Bond, letter, February 7, 2007. Published in the Congressional Record at S1712, February 7, 2007.

¹⁰⁴ MSG (Ret) Michael P. Cline, Executive Director of the EANGUS, to The Honorable Patrick Leahy and The Honorable Christopher Bond, letter, February 6, 2007. Published in the Congressional Record at S1713, February 7, 2007.

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A Louisiana Army National Guard (LAARNG) convoy of High-Mobility Multipurpose Wheeled Vehicles (HMMWV) arrives in the city of New Orleans with relief supplies and personnel after Hurricane Katrina ravished the area. DOD Image Library.

The Operations of Task Force Freedom in Mosul, Iraq: A Best Practice in Joint Operations

LTC Robert Hulslander, USA, Joint Center for Operational Analysis

The Challenge

Task Force (TF) Freedom, presents a compelling story of how innovation and focused effort can turn around a failing endeavor. This paper attempts to capture the activities of TF Freedom in order to show one method of dealing with an asymmetric threat that worked in a multi-factional conflict. Of particular note is how the task force was able to coordinate its operations and intelligence actions to create a synergistic effect far beyond what could have been accomplished had these two basic combat functions not been integrated to the degree that they were.

Predeployment training was based on the assumption the task force was going to occupy a relatively stable area, with limited insurgent activity. TF Freedom also expected to find local Iraqi Security Forces that were capable of maintaining acceptable levels of security. However, upon its arrival at Mosul, the TF actually faced a situation where violence was commonplace and insurgent attacks were rapidly and dramatically rising. Mosul, the third largest city in Iraq, was on the verge of being plunged into chaos as insurgents increased their sway over significant portions of the city.

The Coalition in Mosul from 2003

From March until December 2003, Multinational Division – North, which included Mosul, was under control of the 101st Airborne Division (Air Assault) (ABN). Strong leadership backed by robust combat power proved the key in establishing a secure and stable region where attacks from insurgents were infrequent. At the time, the ratio of troop-to-populace was about one soldier for every 105 civilians.

When TF Olympia took over responsibility from the 101st ABN in January 2004, the area in and around Mosul (now designated as the Multinational Brigade – Northwest area) initially remained a region of relative calm. As such, TF Olympia's primary mission

was to develop good local governance and improve the economy. However, insurgents noted the reduction of coalition capabilities in the region and rapidly began to take advantage of the perceived gaps in TF Olympia's coverage. TF Olympia was only a brigade-sized force that was expected to cover an area previously assigned to a full division. In addition, its size further hampered their ability to react. With only a third of the combat power of the 101st ABN, TF Olympia found it impossible to be everywhere at once. Moreover, when the 101st ABN departed, a number of critical intelligence assets also left the area, which deprived TF Olympia's commander of his ability to maintain full situational awareness of the rapidly changing environment.

In the fall of 2004 when Fallujah became an insurgent stronghold, TF Olympia, which was already short on combat battalions (they had three), transferred one to assist in the Fallujah assault. Because of delays in launching the attack on Fallujah, many insurgents took the opportunity to leave before they were "decisively engaged." Many of these terrorists moved north and infiltrated Mosul and Tal Afar just prior to TF Freedom assuming control of the area from TF Olympia. This influx of new fighters and the rehabilitation of the local insurgent command structure awoke dormant Mosul area insurgents. Seemingly overnight, attacks within Mosul increased four fold.

Like TF Olympia, TF Freedom had a small staff and a single Stryker brigade; the ratio of soldiers to civilians was now about one to 420. Perhaps more importantly, the overall reduction in ground combat capabilities had dropped 77 percent since the 101st ABN controlled the region. This dramatic reduction in combat power opened a window of opportunity that the insurgents took advantage of quickly. When the 101st ABN controlled the area, attacks averaged between 15 to 20 per week. In the months immediate after TF Olympia's arrival, the average number of weekly attacks doubled and, by the end of 2004 when TF Freedom was arriving, the number of attacks averaged 150 per week.

Exacerbating the situation was the insurgents' focused campaign against the Iraqi police. The police began the battle heavily outnumbered and outgunned, and the insurgents easily eliminated 27 Iraqi police stations. Commenting on the anti-police campaign, the TF Freedom G3 later said, "... at that time, most of the police had no vision of a bigger and better picture of Iraq, being outmaneuvered and outgunned, they simply gave up their weapons." The TF Olympia commander understood that the Mosul situation had been radically altered by events around Fallujah and requested the return of his organic battalion. During November and December 2004, TF Olympia got back its missing battalion in addition to other combat units rushed in from other sectors. However, even with the reinforcements TF Olympia was still under-resourced for the mission it was assigned.

As TF Freedom assumed responsibility for Mosul from TF Olympia, the situation continued to deteriorate. Denied his request for additional forces, the TF Freedom commander turned his attention to devising a winning strategy based around the forces and capabilities available to him

Changing Paradigms

To cope with the growing emergency, the Stryker Brigade Combat Team (SBCT), in conjunction with special operations forces (SOF) operating in the area, developed a set of new operating techniques based on close teamwork and the integration of available assets and capabilities. Organizational changes revolved around three key principles:

- Enhanced cross-organization and cross-echelon effort, with eventual integration of national level intelligence assets.
- Horizontal instead of vertical intelligence and integrated command and control (C2) where the "need to share" overrode the "need to know."
- Rapid, decisive action on intelligence tips; lowering the threshold on "actionable" intelligence.

Enhanced Cross-Organization and Cross-Echelon Effort

The only way to resolve the problem of limited assets was through collaboration and integration of what was

available. To accomplish this, the task force formed cross-organizational and cross-echelon teams. One example was the creation within the SBCT of human intelligence (HUMINT) teams, which integrated brigade assets with the capabilities that the special operations task force (SOTF) brought to the HUMINT effort. The SOTF, though small in number, had considerable experience in conducting precisely focused HUMINT operations, and were able to teach valuable lessons to the more numerous but young SBCT tactical HUMINT teams (THT). In return, the SBCT brought a degree of mobility and firepower to the battle that SOF generally lacked. By partnering-up and integrating each other's strengths, the SOTF and the SBCT THTs established a formidable HUMINT source network, and provided TF Freedom an effective intelligence baseline. Adopting the advice of the SOTF advisors the task force modified the use of its THTs:

"[We had to] push them down to the company level, a two-man team with an interpreter, rolling around with the infantry company. OK, they go into contact, they seize people on an objective, and that is where my HUMINT fight starts," reported the TF Freedom G2. "... You've got to put one or two THTs in each battalion to conduct tactical questioning and then process guys through the battalion holding areas and then get them up to the brigade holding areas." (G2 Senior Intelligence Officer, Task Force Freedom, Mosul Iraq- February 2005)

Although intelligence gathered at the operational and tactical levels was crucial to operations, forming a complete intelligence picture required integrating national assets into the brigade common operating picture. With the help of XVIII Airborne Corps staff, TF Freedom was able to acquire the equipment necessary to access nation intelligence material. To further enhance the sharing of intelligence across operational, tactical, and national levels TF Freedom eventually formed its own mini-joint interagency task force (JIATF), which provided to the task force immediate access to every "slice" of the national intelligence agencies and their capabilities. The dynamic that made this all work was the personal involvement of individuals from each agency and their dedication to serving the task force and its mission, rather than their parent organizations. New levels of interagency trust and combat-necessity gave birth to an unprecedented innovation: a national-level intelligence team in direct support of a tactical task force.

In April 2005, the coalition commander decided to send an additional regimental combat team to the Mosul region. The 3rd Armored Cavalry Regiment was subordinated to Task Force Freedom and given responsibility for Tal Afar, adding close to 4,000 troops to the task force organization. TF Freedom now had sufficient troops to take action against the insurgent network identified by its unique intelligence organization.

Horizontal Instead of Vertical Intelligence

To be successful on the battlefield, the task force not only had to integrate various intelligence assets into an effective team, but also had to fuse the intelligence team closely with the operational planners and commanders. To accomplish this, the task force established processes to ensure all available, credible information and intelligence was disseminated to the lowest possible level. A horizontal flow of information was emphasized over the more typical vertical or hierarchical flow.

Timely, relevant, accurate, and actionable became the buzzwords repeatedly heard during the handling and dissemination of intelligence. According to the TF Freedom G2, “every conceivable effort was made to ensure everybody had access to all intelligence, down to the foot soldier on the ground.”

This process is best illustrated by how the task force generated and maintained a shared common target list. Commanders and staffs shared, discussed, and then later acted upon, available intelligence at daily targeting meetings. Interagency elements, SOF, SBCT, and Iraqi forces developed actionable intelligence data on high-value targets, which was handed off during these targeting meeting to operational commanders for immediate action. In short, the creation of a highly responsive intelligence-operations collaboration allowed the task force to remain in proactive rather than reactive planning.

Rapid, Decisive Action on Intelligence Tips

The Cold War paradigm of insisting on target intelligence surety of 80 percent or better proved ineffective against an unconventional enemy on a non-linear battlefield.

Waiting for such certainty more often than not resulted in missed opportunities to engage fleeting targets. To get ahead of a fast moving and rapidly adaptive enemy, TF Freedom initiated a policy of taking decisive action on virtually all credible tips. Aggressive conduct of such “no-notice” operations inevitably led to a much higher percentage of successful operations and the gathering of greater amounts of valuable intelligence. The result was the creation of a virtual cycle of intelligence information, which in turn fed back more intelligence for analysis and further action ... a “domino effect.”

Two important aspects of the process detailed above require further explanation:

- Risk Analysis – In order to make it work, the chain of command had to carefully manage an effective balance between speed and certainty. Nonetheless, decisions were all based on as complete an intelligence picture as was possible and with a full faith in the capabilities of those executing operations. This was only possible because of the unprecedented teaming of effort among the national, operational, and tactical intelligence agencies, which were fully integrated into the operational planning system.
- Lowering the Threshold for Actionable Intelligence - Task Force Freedom often executed operations with much less intelligence information than traditionally required. In some cases, operational action was taken based on a single unconfirmed report. Because the task force had developed a “target intelligence baseline,” the depth of intelligence on a particular target was not as critical as the general broad understanding about the “network” and what a specific intelligence “trigger” might be. The creation of a broadly understood common intelligence picture made it possible for intelligence personnel and operators to form an intuitive feel for the rapidly changing environment, which made rapid decentralized operations possible and greatly enhanced situational awareness.

For any operation to succeed on minimal intelligence there had to be complete trust among the SOTF, SBCT, interagency intelligence players, and TF Freedom. In fact, because there was such a close relationship between the intelligence and operations personnel, the G2, G3, and G5 had almost identical views of the adversary and the environment. Driven by the engendered trust,

shared vision, and purpose, TF Freedom often chose to move on lowest “actionable” intelligence, knowing that these operations would in turn generate more intelligence, and hence the “domino effect” mentioned earlier. The rapid sharing of intelligence would generate more intelligence, and thus produce more operational successes.

Lessons Learned and their Applications in Future Joint C2 Operations

By integrating national, operational, and tactical intelligence assets, TF Freedom developed a comprehensive situational awareness and common operating picture. By sharing this common operating picture across organizations and across echelons, units at lowest level became capable of initiating actions based on a much lower level of intelligence information than generally thought necessary. The decision cycle was therefore much quicker and more responsive.

While some of the specifics of TF Freedom’s tactics, techniques, and procedures (TTP) may be applicable only in Mosul’s unique environment, many have a broad applicability and need further study:

1. Counterinsurgency military operations require a change in organization - TF Freedom’s operations demonstrated that integrating national level intelligence assets into operational and tactical level organizations which combined the inherent capabilities of Special Operations and conventional forces was a crucial element in the unit’s success. However, current task force organizations do not easily accommodate national or even operational level intelligence assets. Future war planners should consider modifying traditional organizations so that they are better able to mirror the success achieved in Mosul.
2. Joint counterinsurgency military operations and doctrine should adequately address the need for streamlined, shared, non-“stove-piped” intelligence of the type used by TF Freedom. Moreover, the paradigm that insists on very high levels of target intelligence surety is not responsive enough to the needs of a rapidly changing combat environment. Further change is required in models for intelligence sharing and delivery, which typically

provide intelligence from national assets only to high-level staffs for analysis and dissemination. In the majority of operations, waiting for a high level of intelligence certainty, and inherent delays at higher echelons responsible for the release of information down to tactical units, results in missed opportunities and failed missions. Instead of top-down, intelligence in a COIN environment is most timely, accurate and actionable when fed from the bottom-up. Providing enhanced intelligence and operational capabilities at the tip of the spear makes for rapid, accurate, and successful operations and decision making where it’s needed most.

About the Author:

LTC Hulslander is a Strategic Intelligence Officer and the Senior Intelligence Officer assigned to US Joint Forces Command, Joint Center for Operational Analysis. He enlisted in the Army in 1975 and served with 1st Armored Division in Germany. Leaving active duty, he received a commission through ROTC in 1986 upon graduation from Georgia State University, where he received a Bachelor of Arts with a Major in Geography and Minor in Anthropology. In 1995 He received a Masters degree in Strategic Intelligence from the Joint Military Intelligence College and authored a thesis entitled “Understanding Cultural and Ethnic Conflicts: Implications for Intelligence Support to Operations Other Than War.” His assignments have included tours with the 1st Armored Division; the JFK Special Warfare Center and School; 7th Special Forces Group; Joint Intelligence Center Pacific; the US Military Academy at West Point; Combined Forces Command Korea; Special Operations Command South; and USJFCOM. LTC Hulslander has served in both Iraq and Afghanistan, and specializes in SOF and Conventional Force integration and intelligence issues.

Joint Improvised Explosive Device Defeat Organization (JIEDDO): Tactical Successes Hindered by Organizational Impediments

LTC Richard F. Ellis, USA

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LCDR Bryan M. Cochran, USN

The United States Department of Defense (DOD) estimates that Improvised Explosive Devices (IED) are responsible for almost 50 percent of the casualties (both mortal and injured) sustained in Iraq and nearly 30 percent in Afghanistan since the start of combat operations.¹ Furthermore, in Operation Iraqi Freedom (OIF) and Iraqi Enduring Freedom (OEF), deaths from IEDs have steadily increased since the cessation of major combat operations in 2003.²

Given the magnitude of the IED threat, the Secretary of Defense created the Joint IED Defeat Organization (JIEDDO) to address this problem in February, 2006. JIEDDO is chartered to “focus (lead, advocate, coordinate) all DOD actions in support of the Combatant Commanders’ and their respective Joint Task Forces’ efforts to defeat IEDs as weapons of strategic influence.”³ However, JIEDDO, as an organization, possesses neither the structure nor the authority to effectively prosecute the war against IEDs. As a large, bureaucratic organization rooted in the technological approach to defeating IEDs, JIEDDO lacks the agility to quickly react to a changing enemy and has no legal authority to compel other DOD entities to act. This paper analyzes JIEDDO by reviewing its origins, examining its current structure and authority, and identifying recommendations that may improve its ability to defeat IEDs.

The Origin of JIEDDO

As the major combat phase of the initial run to Baghdad subsided in the summer of 2003, the United States began to see a different enemy emerge. This was not the once-touted Republican Guard of the Iraqi Army, a force which our military doctrine had prepared us to defeat; this enemy was far more difficult to define. In its infancy, the insurgency, as it was labeled throughout the media, utilized terrorist and asymmetric tactics designed to overthrow the legitimate Iraqi government and demoralize the population. Rather than use large-scale military operations, the insurgents’ methods challenged the Iraqi government’s ability to provide security to its population and restore essential services to Iraqi cities; their goal was to start a protracted war to defeat the will of their enemy, the U.S. Government. One of the tactics they employed to their advantage was IED attacks against US forces—mostly ill-prepared and unprotected supply convoys. The ground force in Iraq

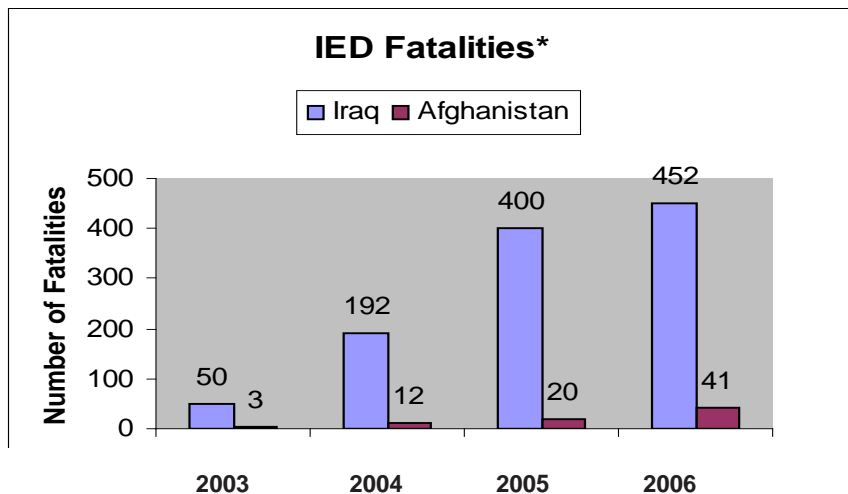


Figure 1. IED Fatalities from 2003-2006

As a result of the staggering losses inflicted by these devices, defeating this terrorist tactic has become a top priority for the DOD. The American public is swayed by many things, but none more convincingly than nightly news reports of U.S. casualties from IEDs in Iraq and Afghanistan. In order to win the Global War On Terror (GWOT), bureaucrats and warriors alike must harness the nation’s ingenuity and resources to defeat this terrorist weapon, which threatens to diminish national will in the fight for freedom.

had not foreseen this threat during initial planning for Operation Iraqi Freedom. In response, the U.S. Army decided to put additional effort against the growing problem, but still treated the situation as a “terrorist tactic” that could be overcome with new training and techniques in theater as opposed to a strategic threat that required harnessing the skills and resources of the entire nation.

The number and ferocity of IED attacks steadily increased during the summer of 2003. As a result, in October 2003, the Commander of U.S. Central Command, General John Abizaid, wrote an executive memo to Secretary of Defense, Donald Rumsfeld, and the Chairman of the Joint Chiefs of Staff, General Richard Myers, describing IEDs as the “number one killer of American troops” and “asked for a ‘Manhattan-like Project’ to help with the effort.”⁴ In response, the Deputy Chief of Staff G-3 for the US Army, Lieutenant General Cody, formed a task force of 12 people to combat this new insurgent tactic. However in July 2004, as insurgents’ attacks changed and IED casualties mounted, Deputy Secretary of Defense Paul Wolfowitz approved the establishment of an Army-led Joint Integrated Process Team (IPT) to harness the expertise of all military services on this issue.⁵ This team continued its work over the next year and scored several victories against the IED threat—namely the use of vehicle and personal armor and explosive ordnance disposal robots. At the same time, the Navy, Air Force and Marine Corps established teams to engineer IED defeat mechanisms for their indigenous platforms. These efforts, while inventive at times, frequently duplicated effort and squandered scarce DOD resources. As a result, the different Services fielded successful prototypes that not only lacked interoperability on the battlefield, but often interfered with other military systems. As had been the norm throughout much of the Cold War, the competition for resources led the Services to develop their own initiatives, which precluded them from jointly acquiring IED defeat solutions.

This fact was not lost on senior DOD leadership, or the media. In June 2005, acting Deputy Secretary of Defense Gordon England, issued DOD Directive 2000.19D to establish the Joint IED Defeat Task Force (JIED TF), focusing the entire Defense Department’s efforts against defeating IEDs.⁶ To further elevate the status of the JIED TF, Secretary of Defense Donald Rumsfeld assigned retired Army General Montgomery Meigs to lead the JIED TF in December 2005.⁷ To

provide permanent status to the task force, Secretary England issued a memorandum on 18 January 2006 elevating it to the Joint IED Defeat Organization.⁸ He then codified the organization into department policy with the issuance of DOD Directive 2000.19E in February 2006. The rapid expansion of a small (12-person, single Service) task force into a large (four-star led, multi-service, multi-agency and multi-national) DOD organization in little more than two years presents challenges that must be overcome. This growth produced an organizational structure that clearly outgrew the original intent of the small Army task force. Furthermore, the authority conveyed to this new organization in DOD Directive 2000.19E is not commensurate with the responsibilities directed by the Secretary of Defense.

JIEDDO Structure and Authority

As of September 2006, JIEDDO employed 360 personnel and managed a budget that exceeded \$3 billion.⁹ The dramatic rise in personnel and budget creates a bureaucracy that the original 12-person task force never faced. Acknowledging this challenge, the Senate Appropriations Committee directed the Government Accountability Office (GAO) to conduct a thorough examination of among other things, JIEDDO’s “organizational structure and the duties and responsibilities of JIEDDO personnel and associated contractors.”¹⁰ The GAO report will not be completed prior to submission of this paper, but clearly these concerns have attracted the attention of Congress.

Despite JIEDDO’s rapid growth and elevation to Office of the Secretary of Defense (OSD)-level, the organization largely remains focused on fielding technical equipment, developing tactical solutions, and providing training at the battlefield level. JIEDDO reflects this approach in its motto, “Defeat the network—Defeat the device—Train the force.”¹¹ However, just as the organization has grown, so too has its scope and responsibility. To realize this expansion of its original mission, JIEDDO must be structured in such a way and have the proper authority to:

- React quickly to a changing environment;
- Accelerate the normal DOD acquisition process;
- Implement an overarching strategy;
- Compel others in the Department to act in accordance with its objectives.

Structure

Any undergraduate business major can tell you that the larger an organization gets, the less agile it becomes. In the same respect, larger organizations tend to have multiple layers of management that impede communication and slow the decision-making process. Very few organizations, with the exception of ones comprised of flat structures, can maintain innovative and creative thinking at the same pace as smaller outfits. This relationship of decreasing agility to increasing size is natural in large organizations, and according to noted organizational theorists Cohen and Klepper, is “a trait which tends to grow in proportion to the organization itself.”¹² In essence, the larger and faster an organization grows, the less likely it is to be able to quickly adapt to its changing environment with innovative solutions or products—a trait JIEDDO must possess to successfully defeat IEDs. A large organization creates additional bureaucracy—staff and overhead—which consumes a leader’s time with mundane day-to-day operations detracting from his ability to inspire creative solutions.

Additionally, not only is JIEDDO a large bureaucracy, it is still built around a technical solution approach focused on research and development, testing, and fielding the elusive “silver bullet” to defeat IEDs. By doing so, the organization overly relies on technology to defeat an adaptive enemy who quickly learns how to overcome our latest countermeasures. General Abizaid highlighted this fact when complaining to members of JIEDDO, “its (JIEDDO) emphasis on multi-million dollar contracts to develop high-tech sensing equipment has been ineffective at curbing attacks by homemade bombs.”¹³ Furthermore, a recent Pentagon report cited, “the response to the IED has been primarily to increase force protection by emphasizing technical solutions which have proven insufficient.”¹⁴ JIEDDO’s dependence on fielding “widgets” forces it to immerse itself into the cumbersome DOD acquisition process. This process is difficult to navigate even for small organizations within DOD. The fact that JIEDDO is a bureaucracy with a large budget simply exacerbates the situation. JIEDDO is simply too big to remain as agile as it needs to be.

However, agility and speed is exactly what an organization like JIEDDO must have in order to stay one step ahead of a thinking enemy that constantly adapts its methods of attack. The average time for a

normal DOD acquisition program to progress from determining a mission need to actually fielding a system is approximately 84 to 144 months.¹⁵ The average timeline for the enemy to change his tactics can be days or even hours, depending upon the circumstances and his desire to adapt. How is a large government organization like JIEDDO supposed to compress that timeline and compel the various parts of DOD to meet this kind of schedule? Nominally, one would expect them to circumvent the normal acquisition process by transferring “seed money” directly to a Service for concept development and then requiring it to budget for procurement after device fielding. While this strategy ensures that critical capabilities reach the field in an expeditious manner, it fails to provide a long-term sustainment plan. In order to ensure that these prototypes are properly included in the DOD Planning, Programming, Budgeting and Execution (PPBE) process, the Director of JIEDDO is responsible for “develop(ing) transition plans for proven Joint IED Defeat initiatives into DOD programs of record for further sustainment and integration.”¹⁶ JIEDDO should provide a DOD-level acquisition strategy, based on Regional Combatant Commander (RCC) priorities, that directs Service execution of material solutions. A joint acquisition plan for defeating IEDs would ensure unity of effort when the Services budget for their individual programs.

However, by focusing on the short-term, technical solution approach, JIEDDO created a structure that short-changed its responsibility to guide the entire DOD effort to defeat IEDs. A clear, overarching strategy to focus DOD energy and guide RCCs in their areas of responsibility (AOR) appears to be lacking. Instead, JIEDDO rooted its strategic efforts—Defeat the Network—in still more technical concepts such as persistent surveillance; technical, biometric, and internet exploitations; information operations; counter-bomber targeting; and removal of explosive remnants of war.¹⁷ A closer look at the JIEDDO structure offers an explanation for this oversight in strategic thought.

The staff organization does not follow a traditional J-code staff as one might expect. Rather, the current departments are: Technology, Intelligence, Operational Research Systems Analysis (ORSA), Operations, STRATCOM, Requirements Integration, and Resource Management (Figure 2). A J-5 equivalent, or a traditional planning staff, does not appear to exist even though DOD Directive 2000.19E specifically directs

JIEDDO to “develop, publish, and update the DOD IED Defeat Strategic Plan to provide an overarching framework to guide the DOD Components’ long-term counter-IED efforts.”¹⁸ As a result, JIEDDO strategic planning appears to be an afterthought rather than a deliberate activity, and the organization has not established an office to perform that task. Consequently, RCCs are left to conduct counter-IED planning for their AORs without clear strategic guidance. Although the Directive specifically requires RCCs to formulate their own IED defeat plans without DOD level guidance, these plans fail to integrate or synchronize effort across AOR boundaries, whereas defeating IEDs is a global problem.

responsibilities. As General Pace, former Chairman of the Joint Chiefs of Staff, stated in a memorandum for the Chiefs of the Services; Commanders of the Combatant Commands; and Directors, Joint Staff Directorates, “USJFCOM will plan, design, execute, and assess a relevant and credible joint warfighting experimentation program on concepts, capabilities, and prototypes derived primarily from the Joint Concepts family.”¹⁹ The USJFCOM staff with support from JIEDDO would conduct the planning functions to develop an overarching strategy for implementation across AOR boundaries. Furthermore, the JIEDDO staff would gain the freedom to pursue innovative IED solutions.

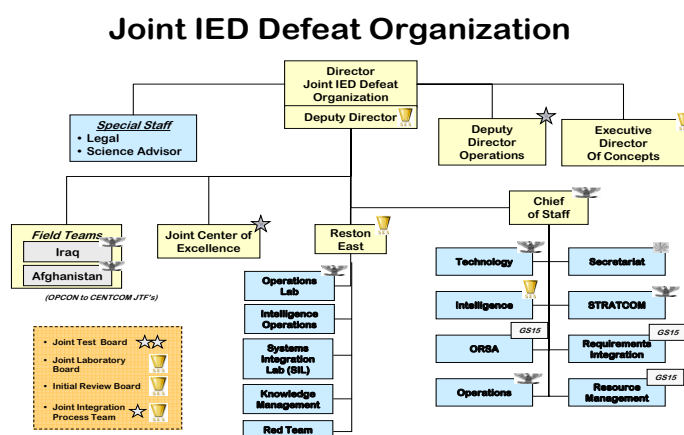


Figure 2: JIEDDO Organization Chart

The lack of a strategic planning staff in the JIEDDO structure stems from its origins as a small, technological innovation center focused on developing a high-tech force protection solution to defeat IEDs. However, as Directive 2000.19E illustrates, JIEDDO’s mandate now includes broader, strategic responsibilities. Thus, although JIEDDO is obviously structured to develop innovative solutions in its approach to defeating IEDs, it must also provide overarching policy and guidance to ensure seamless integration of those capabilities across the DOD. To accomplish this objective, JIEDDO must dedicate resources to the task or consider a new structure that leverages existing capabilities within the DOD.

Realignment of JIEDDO under a functional combatant commander such as USJFCOM would streamline the counter-IED fight. Moreover, USJFCOM provides a natural fit for JIEDDO’s current planning function

Shifting JIEDDO to a functional combatant commander such as USJFCOM not only addresses the structural issues facing JIEDDO, but also provides a solution to the challenges facing its authority. While JIEDDO possesses budgetary authority for counter-IED programs, it does not have the ability to compel other DOD organizations or Combatant Commanders to act. However, this authority is precisely what JIEDDO requires in order to effectively wage the counter-IED war. Realignment of JIEDDO under USJFCOM would provide the Combatant Command (COCOM) authority JIEDDO requires.

Authority

A closer examination of the establishing document for JIEDDO reveals that it is chartered with wide-ranging responsibilities from “rapidly acquiring equipment to counter known...IED threats” to “assisting combatant commanders with understanding the IED threat.”²⁰ However, the authority granted to JIEDDO by DOD Directive 2000.19E stands in stark contrast to the broad scope of responsibility assigned to the organization. Furthermore, JIEDDO’s limited authority prevents it from compelling other organizations to act or even participate in its efforts.

For example, according to DOD Directive 2000.19E, the Director, JIEDDO, shall “integrate all IED Defeat solutions throughout DOD.”²¹ This requirement implies the need to reach across Service and Agency boundaries to ensure that technical solutions are compatible with existing platforms and interoperable across the DOD. In order to accomplish this task, however,

the Director of JIEDDO must have some acquisition authority over the traditional Services' programs and budget. But the only authority granted to him is to "communicate with the heads of DOD Components."²² In essence, the Director of JIEDDO can make his case to the Services and RCCs, but has no direct control over program execution. The Services retain budget authority for program management and the RCCs prioritize their IED requirements.

In the same respect, JIEDDO is responsible for developing a strategic plan and providing overarching guidance as a framework for the rest of the DOD Components in their IED Defeat efforts. This plan is supposed to form the foundation for other Components' regional specific plans. In order to accomplish this objective, JIEDDO must have a planning staff and authority to implement this plan throughout DOD. However, JIEDDO's authority is mostly limited to coordination and communication with other agencies. While this authority provides an opportunity to exchange ideas, it does not enable JIEDDO to compel DOD components to follow the published plan.

In fact, doctrinally speaking, coordinating authority is a "consultation relationship, not an authority through which command may be exercised."²³ JIEDDO's responsibility requires a term similar to "synchronize," which USSOCOM was granted in the Unified Command Plan. This term gives USSOCOM the authority to "arrange military action in time, space, and purpose to produce maximum relative combat power at a decisive place and time."²⁴ While "synchronize" is appropriate for USSOCOM, perhaps a different term such as "orchestrate" should be added to joint lexicon for JIEDDO. Merriam-Webster defines orchestrate as "to arrange or combine so as to achieve a desired or maximum effect." This better describes the authority JIEDDO should have to accomplish its mission.

The realignment of JIEDDO under a functional combatant command such as USJFCOM would provide this authority that JIEDDO requires and fit the model established for USJFCOM by General Pace. He states that "USJFCOM work[s] directly with the Services, combatant commands, the defense agencies, interagency and multinational partners, and the Joint Staff to develop a cohesive plan to synchronize and, when appropriate, integrate experimentation activities."²⁵ This reorganization would provide JIEDDO the authority it requires to synchronize or

orchestrate counter-IED efforts of other combatant commands as well as divest other requirements such as integrating experimentation activities to USJFCOM who has the charter to accomplish this task.

In summary, the authority granted to JIEDDO has not kept pace with the rapidly expanding budget, manpower, and associated responsibility assigned to the organization.

If JIEDDO is to implement material solutions across all DOD Components, it must have the ability to compel the Services and Agencies to properly integrate those products into its existing platforms. In the same respect, JIEDDO must have a mechanism to ensure those components adequately program their budgets to sustain these capabilities. JIEDDO has a large budget, but most of that is earmarked for research and development. In addition, JIEDDO must be able to create a strategy and then force DOD Components to follow it. Without that directive authority, the DOD will continue to have multiple plans to defeat IEDs.

Recommendations

1. Reorganize JIEDDO under a Functional Combatant Command. Remove JIEDDO from the Office of the Secretary of Defense and place it under a functional Combatant Command such as USJFCOM. IEDs present an asymmetrical threat to the entire joint force and require a joint solution. Indeed, USJFCOM, with its mission of "Providing Joint Training and Joint Interoperable Capabilities,"²⁶ provides a logical fit for JIEDDO. As noted by Lieutenant General Wood, U.S. Army, Deputy Commander, USJFCOM, there is a "natural migration"²⁷ of JIEDDO functions to USJFCOM. As part of USJFCOM, JIEDDO could leverage USJFCOM's COCOM authority "to organize and employ forces necessary"²⁸ to defeat IEDs. It would also retain Title 10 acquisition authority, which could be executed through the existing PPBE process. Finally, JIEDDO could leverage the planning capabilities of the COCOM staff to generate strategic guidance for all COCOMs and Services in the creation of joint solutions to defeat IEDs.
2. Streamline the JIEDDO structure. Eliminate functions already provided by other DOD agencies. Leverage its status as part of a COCOM

organization to obtain intelligence and acquisition support from other DOD components. Condensing the JIEDDO structure enables it to regain its agility and ability to react quickly to changing terrorist tactics. JIEDDO would possess the freedom to develop innovative solutions while relying on USJFCOM to execute the intelligence, planning, and training functions, which are firmly established in its structure.

3. If not reorganized under USJFCOM, create a strategic planning staff within the JIEDDO structure. This may require a shift of resources within JIEDDO, but should not require additional personnel. This restructuring would balance its focus between technical-solutions and strategic planning, providing a “framework to guide other DOD Components’ long-term counter-IED efforts.”²⁹ A small staff of JIEDDO planners could easily integrate IED-specific language into existing USJFCOM plans through the J-5 (Plans) staff.
4. If not re-organized under USJFCOM, OSD should grant the Director, JIEDDO additional authority. In order to accomplish its mission, JIEDDO must have the proper authority to compel DOD components to implement the strategic plan, sustain IED-related materiel solutions, and adopt JIEDDO training initiatives.

Conclusion

IEDs are the weapon of choice for terrorist organizations throughout the world because they provide high profile, lethal attacks that attract attention, provide propaganda, and expose vulnerabilities. Furthermore, IEDs are inexpensive and offer a means for terrorist organizations to attack superior U.S. forces not on the battlefield, but rather on the fringe; or as a weapon of mass destruction, IEDs offer a means to attack the United States directly. Lastly, this tactic fits the terrorist strategy perfectly because it is easily exported for use on a global scale. Terrorist cells throughout the world have successfully executed high profile IED attacks in every RCC AOR—CENTCOM: USS Cole (October 2000); PACOM: Bali, Indonesia bombings (October 2002); EUCOM: London transportation system bombings (July 2005), Spanish train bombings (March 2004), and U.S. Embassy bombings in East Africa (July 1998); SOUTHCOM: Revolutionary Armed Forces of Columbia (FARC) Car bombing in Bogota, Columbia (February 2003); and the United States (pre-NORTHCOM): World Trade Center

bombing (February 1993), Oklahoma City bombing (April 1995). The strategy to counter the IED threat—the primary weapon for global terrorist movements—must span AOR boundaries. As the responsibility to synchronize the global war on terror across AOR boundaries is assigned to a single combatant commander (USSOCOM), so too must the responsibility to fight the IED threat be assigned to a single organization. If that organization is to be JIEDDO, it must develop a comprehensive strategy and have the authority to guide the development of RCC plans within their assigned AOR. Furthermore, this overarching strategy must be lashed to USSOCOM’s global counter-terrorism planning efforts. Plans to combat the primary terrorist weapon should mirror plans to combat the terrorists themselves.

In conclusion, JIEDDO requires fundamental changes in its approach to combating IEDs. It must redirect its efforts from a technological-based approach and apply its resources to the development of a comprehensive, strategic plan to combat IEDs. Moreover, this shift in focus requires the DOD to realign JIEDDO under a functional Combatant Command such as USJFCOM in order to complete its evolution from a 12-person Task Force to an organization with the proper structure and authority to combat the IED threat. This realignment will produce exponential gains by focusing staff efforts on strategic objectives, utilizing scarce resources more effectively, and synchronizing RCC efforts on a global scale. Success against the IED threat is critical not only to victory in Iraq and Afghanistan, but also to the global war on terrorism (GWOT). Only by adopting a new approach to combat this threat will the United States achieve a critical pillar in the GWOT mission: “deny terrorist networks the possession or use of Weapons of Mass Destruction/Effects (WMD/E).”³⁰

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Endnotes:

- ¹ Congressional Research Service Report for Congress, Order Code RS22330, 25 Sep 06.

² icasualties.org. <<http://icasualties.org/oif/IED.aspx>>

³ DOD Directive 2000.19E, "Joint IED Defeat Organization," 14 Feb 06.

⁴ John Barry, Michael Hastings and Evan Thomas. "Iraq's Real WMD." Newsweek. 27 March 2006 Issue

⁵ LTG James J. Lovelace, USA, and BG Joseph L. Votel, USA. The Asymmetric Warfare Group: Closing the Capability Gaps. Army Magazine. March 2004.

⁶ DOD Directive 2000.19D, pp. 1.

⁷ DOD News Release, No 1260-05, 5 Dec 05, <http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=9137>

⁸ Miles, Donna. "DOD Taps Industry Know-how in Ongoing Counter-IED Efforts." Armed Forces Press Service, 24 Jan 06.

⁹ McGuire, Nancy. Military Services Bring it All Together to Counter IEDs. Office of Naval Research. www.onr.navy.mil. p. 1 of 4.

¹⁰ Senate Report 109-292. Department of Defense Appropriations Bill, 2007. 25 July 2006.

¹¹ Joint IED Defeat Organization. 16 Nov 2006. Presentation, US Army Training Transformation Council of Colonels, (PowerPoint Slides FOUO). Briefing posted in Army Knowledge Online shared folder.

¹² Cohen, Wesley M. and Klepper, Steven; "A Reprise of Size and R&D," The Economic Journal, July 1996, pp 325-351.

¹³ Bender, Bryan. "Panel on Iraq bombings grows to \$3b effort Critics say it has been ineffective." The Boston Globe, June 25, 2006.

¹⁴ Ibid.

¹⁵ Chew, James S.B. "Commercial Best Practices and the DOD Acquisition Process," Acquisition Review Quarterly, Spring 1997, pp. 219.

¹⁶ DOD Directive 2000.19E, pp. 3.

¹⁷ Joint IED Defeat Organization. 16 Nov 2006. Presentation, US Army Training Transformation Council of Colonels, (PowerPoint Slides FOUO). Briefing posted in Army Knowledge Online shared folder.

¹⁸ DOD Directive 2000.19E, p.4.

¹⁹ GEN Peter Pace, USMC. Memorandum for Chiefs of the Services, Commanders of the Combatant Commands, Directors, Joint Staff Directorates. Subject: Joint Experimentation (JE) Guidance for FY 2006 and FY 2007. 9 January 2006.

²⁰ DOD Directive 2000.19E. p. 4.

²¹ Ibid, p. 3.

²² DOD Directive 2000.19E, p. 11.

²³ Joint Publication 3-0, Joint Operations. 17 September 2006. p. GL-12.

²⁴ Joint Publication 3-0, Joint Operations. 17 September 2006. p. GL-30.

²⁵ GEN Peter Pace, USMC. Memorandum for Chiefs of the Services, Commanders of the Combatant Commands, Directors, Joint Staff Directorates. Subject: Joint Experimentation (JE) Guidance for FY 2006 and FY 2007. 9 January 2006.

²⁶ <http://www.jfcom.mil/about/priorities.htm>

²⁷ LTG John R. Wood, USA. JFSC presentation, "The COCOM Perspective." 1 March 2007. (With Permission).

²⁸ Joint Publication 5-0, Joint Operation Planning. 26 December 2006. p. GL-6.

²⁹ DOD Directive 2000.19E. p. 4.

³⁰ National Military Strategic Plan for the War on Terrorism. 1 February 2006. Chairman of the Joint Chiefs of Staff.

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BIBLIOGRAPHY

Barry, John, Michael Hastings and Evan Thomas. "Iraq's Real WMD." *Newsweek*. 27 March 2006 Issue

Bender, Bryan "Panel on Iraq bombings grows to \$3b effort Critics say it has been ineffective."

The Boston Globe, June 25, 2006.

Chew, James S.B, Spring 1997; "Commercial Best Practices and the DOD Acquisition Process," *Acquisition Review Quarterly*. Spring 1997.

Cohen, Wesley M. and Klepper, Steven, July 1996; "A Reprise of Size and R &D," *The Economic Journal*.

Congressional Research Service Report for Congress, Order Code RS22330, 25 September 2006.

DOD Directive 2000.19D, "Joint Improvised Explosive Device (IED) Defeat," 27 June 2005.

DOD Directive 2000.19E, "Joint IED Defeat Organization," 14 February 2006.

DOD News Release, No 1260-05, 5 December 2005, viewed 23 February 2007, <<http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=9137>>

GEN Peter Pace, USMC. Memorandum for Chiefs of the Services, Commanders of the Combatant Commands, Directors, Joint Staff Directorates. Subject: Joint Experimentation (JE) Guidance for FY 2006 and FY 2007. 9 January 2006.

icasualties.org. <<http://icasualties.org/oif/IED.aspx>>

Joint IED Defeat Organization. 16 November 2006. Presentation, US Army Training Transformation Council of Colonels, (PowerPoint Slides FOUO). Briefing posted in Army Knowledge Online shared folder.

Joint Publication 3-0, Joint Operations. 17 September 2006.

Joint Publication 5-0, Joint Operation Planning. 26 December 2006.

McGuire, Nancy. Military Services Bring it All Together to Counter IEDs. Office of Naval Research. Viewed 23 February 2007, <www.onr.navy.mil>

Miles, Donna, 24 January 2006, DOD Taps Industry Know-How in Ongoing Counter-IED Efforts, *American Forces Information Services News Articles*, *Defense Link News*, view on 3 February 2007, <www.defenselink.mil/news/Jan2006/20060124_4000.html>

National Military Strategic Plan for the War on Terrorism. 1 February 2006. Chairman of the Joint Chiefs of Staff.

LTG James J. Lovelace Jr. and BG Joseph L. Votel, March 2004, *The Asymmetric Warfare Group: Closing the Capability Gaps*, *The US Army Professional Writing Collection*, viewed 22 February 2006, http://www.army.mil/professionalwriting/writing/volume3/april2005/4_05_4.html.

LTG John R. Wood, USA. Joint Forces Staff College presentation, "The COCOM Perspective." 1 March 2007.

Senate Armed Services Committee, 14 March 2006, Statement of GEN John P. Abizaid, US Army, USCENTCOM, Posture of the United States Central Command.

Senate Report 109-292. Department of Defense Appropriations Bill, 2007. 25 July 2006.



As Coalition Forces respond to a car bombing in South Baghdad, Iraq (IRQ), a second car bomb is detonated, targeting those responding to the initial incident. The attack, aimed at the Iraqi police force, resulted in 18 casualties, two of which were police. DOD Image Library.

USAID and DOD Roles in Foreign Disaster Response

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The United States Agency for International Development (USAID) is an independent agency that provides economic, development, and humanitarian assistance around the world in support of the foreign policy goals of the United States. USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance (USAID/DCHA) manages a broad range of critical development and life-saving, emergency-response activities and provides technical leadership and expertise in coordinating USAID's democracy programs; international disaster assistance, emergency, and developmental food aid; and, aid to manage and mitigate conflict, military liaison, and volunteer programs. DCHA also provides technical leadership, support, and advice in developing policy and programs to assist countries transitioning out of crisis and administers disaster assistance, preparedness, and mitigation.

Within DCHA, the Office of US Foreign Disaster Assistance (OFDA) is responsible for facilitating and coordinating US Government emergency assistance overseas. OFDA provides humanitarian assistance to save lives, alleviate human suffering, and reduce the social and economic impact of humanitarian emergencies worldwide. OFDA has a staff of approximately 250 personnel world-wide and responds to approximately 50 to 60 emergencies annually. The staff also helps to formulate and oversee rehabilitation and disaster mitigation programs. In fiscal year (FY) 2005, DCHA/OFDA's budget, including supplemental funding, was approximately \$603.2 million—less than 5 percent of USAID's total FY 2005 budget.

DCHA/OFDA's Mandate

DCHA/OFDA has a threefold mandate: to save lives, alleviate human suffering, and mitigate the economic impact of a disaster. DCHA/OFDA responds to rapid-onset natural disasters, such as earthquakes, volcanic eruptions, and floods; slow-onset natural disasters, such as drought and food insecurity; and, complex emergencies resulting from a combination of war, human

displacement, and life-threatening insecurity. OFDA also provides assistance when lives or livelihoods are threatened by disasters arising out of acts of terrorism and industrial accidents.

OFDA's immediate emergency response is one aspect of the US Government (USG) overall response in disasters. Other offices in DCHA, such as Food for Peace (FFP), Office of Transition Initiatives (OTI), and Conflict Mitigation Management (CMM) also have an important role with assisting in the disaster recovery effort.

How DCHA/OFDA Responds to a Disaster

When a rapid-onset disaster occurs, DCHA/OFDA's duty officer is alerted, and DCHA/OFDA personnel are placed on stand-by to respond. In the case of complex humanitarian emergencies, such as conflict or food insecurity, DCHA/OFDA staff closely monitor the humanitarian situation to determine timing for an effective response. If conditions warrant, DCHA/OFDA disaster experts deploy to further assess the humanitarian situation and determine priority needs.

DCHA/OFDA coordinates closely with the US Embassy or USAID Mission in the affected country to determine if and when USG humanitarian assistance may be appropriate. When an emergency arises, the US Ambassador, Chief of Mission, or Assistant Secretary of State responsible for the particular area can declare a disaster, providing the event meets three criteria: the disaster exceeds the host country's ability to respond; the affected country's government either requests or is willing to receive US assistance; and, a response to the disaster is in the US national interest. The office responds with funds and/or other assistance only after a disaster declaration is made by the appropriate USG official.

Response Options

USAID has numerous assets with which to respond to a disaster. To facilitate a rapid response, DCHA/OFDA maintains regional advisors in Costa Rica, Barbados, Kenya, Senegal, South Africa, Thailand, and Nepal who can deploy quickly to affected locations. Additional DCHA/OFDA field-based staff maintain a full-time presence in countries where humanitarian needs require vigilant monitoring. Regional advisors and program staff maintain relationships with local government disaster response officials, as well as with the embassy's mission disaster relief officer (MDRO).

The MDRO has an important role and is responsible for coordinating the embassy's disaster response efforts. The MDRO is responsible for preparing and maintaining the mission disaster relief plan (MDRP). The MDRO ensures that mission personnel are familiar with its contents; liaising with government disaster authorities on an ongoing basis to ensure familiarity with disaster risks and organizational response capacities/arrangements; serving as the chief operating officer for the post's emergency action committee (EAC) during all phases of the disaster; and acting as the post's coordinator of USG disaster relief operations in-country.

If the scope or size of a disaster merit, a disaster assistance response team (DART) deploys to the affected area, and an on-call Washington-based response management team (RMT) is activated. Upon arrival, team specialists in water and sanitation, health, nutrition, shelter, agriculture, livestock, and/or protection conduct rapid assessments. Administrative, communications, and information officers work to support assessment teams by relaying information on urgent needs and recommendations to the RMT. When necessary, members of US-based urban search and rescue teams deploy as part of the DART. In the event of an impending disaster, DCHA/OFDA may pre-position personnel and relief supplies in order to provide immediate assistance and conduct humanitarian assessments, which are crucial in providing policymakers with the ability to respond quickly and accurately to identified needs.

In response to requests from staff on the ground, the DCHA/OFDA logistics officer in Washington, DC, organizes bids with shipping companies to rapidly deliver relief supplies, including plastic sheeting, water containers and purification units, blankets, and

health supplies, from one of DCHA/OFDA's regional warehouses. DCHA/OFDA maintains three forward-deployed warehouses of emergency relief supplies in Miami, Florida; Dubai, United Arab Emirates; and Pisa, Italy. A DART logistics officer on the ground ensures that these supplies reach implementing partners for distribution to beneficiaries.

Meanwhile, based on recommendations from the field, program officers in Washington review and fund flash appeals and proposals from implementing partners.¹ The first principle in disaster response accountability is to ensure that appropriate assistance is delivered to the affected population in time to save lives and alleviate human suffering. DCHA/OFDA operates under flexible obligation rules (i.e., "notwithstanding authority"), which expedites funding to a wide array of partners.

Although the majority of USAID funding in a disaster response goes to non-governmental organizations (NGO), a sizeable portion is awarded to United Nations (UN) agencies and other international organizations.² Relief activities range from airlifting supplies to affected populations in remote locations to managing primary health care programs and implementing cash-for-work programs. Rehabilitation projects might provide seeds and tools to farmers who have been adversely affected by disasters, repair roads and bridges to reconnect farmers to markets, or restore water systems in drought-stricken countries. In addition to conducting assessments of affected areas, the DART and/or regional advisor carefully monitor implementing partners to ensure that resources are used wisely and to determine if projects need to be adapted to changing conditions. For example, although an implementing partner may originally be funded to respond in one location, a new influx of internally displaced persons (IDP) elsewhere may require USAID authorization to expand operations in order to respond.

Other USG Offices that Provide Humanitarian Assistance

Although DCHA/OFDA is lead USG agency to coordinate international disaster response, the office coordinates assistance with other parts of USAID as well as other agencies and donors. USAID/FFP provides food commodities to implementing partners to address both emergency food needs and food security development activities. USAID/OTI's assistance is designed

to facilitate the transition from crisis and conflict to peace and stability by aiding in the implementation of peace agreements, or by developing democratic governance and media structures within the affected country. USAID/CMM supports early responses to address the causes and consequences of instability and conflict, and seeks to integrate conflict mitigation and management into USAID's programs. Other parts of USAID, such as regional bureaus, support longer-term development programs that complement DCHA's activities.

DCHA/OFDA also coordinates with various other USG agencies that provide significant humanitarian assistance. The US Department of Defense (DOD) possesses unique capabilities that are able to overcome the serious logistical challenges that often occur following disasters. In collaboration with DCHA/OFDA, DOD coordinates and directs the utilization of military assets – including personnel, supplies, and equipment – for humanitarian assistance overseas. Established in 2005, the USAID Office of Military Affairs (USAID/OMA) is the focal point for USAID interaction with DOD. USAID/OMA is responsible for enabling effective working relationships with DOD, including maintaining emergency response readiness; coordinating planning; and developing joint training, education, and exercises.

The US Department of State's (DOS) Bureau of Population, Refugees, and Migration (State/PRM) and Office of the Coordinator for Reconstruction and Stabilization (State/CRS) also contribute significantly to disaster response. State/PRM provides multilateral grants to international relief organizations in response to refugee emergency appeals and contributes to the regular program budgets of organizations such as UN High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). State/CRS works to lead, coordinate, and institutionalize USG civilian capacity to prevent or prepare for post-conflict situations, and to help stabilize and reconstruct societies in transition from conflict or civil strife.

The US Department of Agriculture (USDA), in coordination with USAID/FFP, provides food assistance to support emergency feeding programs in countries experiencing food shortages due to drought and civil conflict.³ In addition, the US Geological Survey (USGS), the Centers for Disease Control and Prevention (CDC), the US Forest Service (USFS), the National Oceanic and Atmospheric Administration (NOAA), and the

Environmental Protection Agency (EPA) provide technical assistance, in coordination with DCHA/OFDA, in response to disasters and potential hazards overseas.

The Role of the Military in Disaster Response

Historically, DOD participates in less than 5 percent of USAID's disaster relief operations each year. For the US Military to become involved in a humanitarian assistance operation, a special set of conditions apply. When lives are in immediate danger and the command is in a position to render timely life-saving assistance, a military commander has the authority to act on his/her own to render immediate aid. Outside this immediate situation, any response from the DOD is a part of a comprehensive USG approach in which DCHA/OFDA is the lead agency.

As outlined in an Office of the Secretary of Defense (OSD) message, a request for DOD assistance is transmitted in an official Executive Secretary (EXECSEC) memo from DCHA/OFDA through DOS to DOD (Figure 1). This memo preserves visibility and decision-making authority for OSD on the use of DOD assets and personnel, and helps ensure that any request for assistance has been vetted and validated through senior management at USAID and DOS. The official memo also allows humanitarian assistance managers in OSD to review the request against other potential demands on limited DOD disaster response resources.⁴

In FY 2006, US Pacific Command (PACOM) deployed the US Marine Corps (USMC) 3rd Fleet Surgical Company to assist the victims of the Yogyakarta, Indonesia, earthquake. Also in 2006, Marines and sailors from the Forward Deployed Amphibious Ready Group, with elements of the 31st Marine Expeditionary Unit (MEU), Joint Task Force Balikatan-06 (JTF-BK06), USS Essex (LHD 2), USS Harpers Ferry (LSD 49), and USS Curtis Wilbur (DDG 54) assisted in the US response to landslides in the Philippines. DOD also provided assets for the USG response to flooding in Guatemala, the South Asia earthquake, the Lebanon complex emergency, the eruption of Mount Mayon in Ecuador, and methanol poisoning in Guatemala.

In the event of military involvement in a large disaster response, DOD and USAID will exchange liaison officers with the joint task force (JTF) deployed in the field,

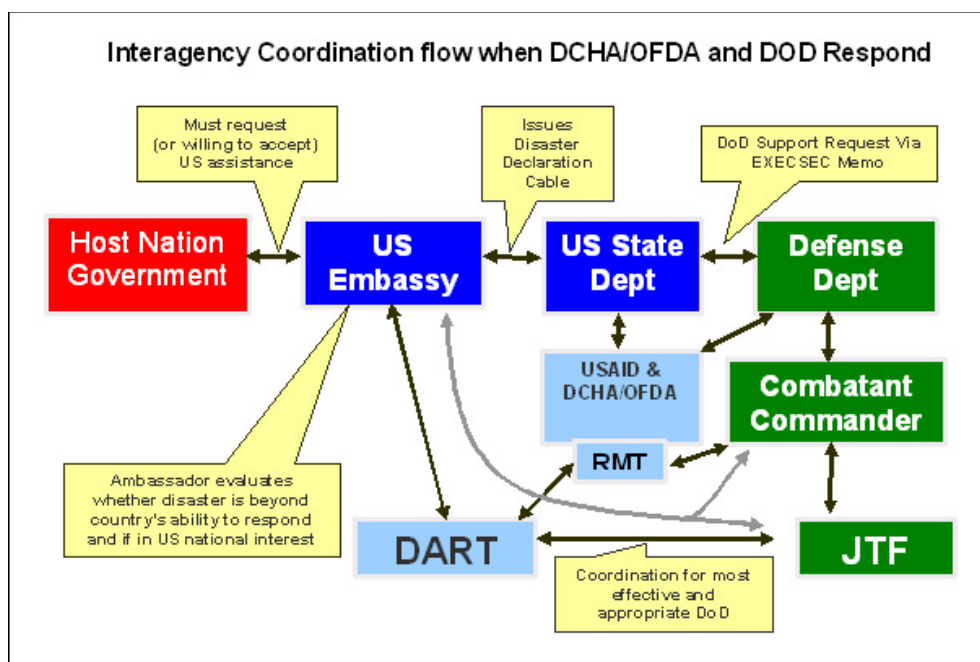


Figure 1- Interagency Coordination Flow

the joint staff, and/or the affected combatant command (COCOM) headquarters. The liaison officer's mission is to convey assessments, resource requirements, current operations status, and future plans for relief operations. In most circumstances, the DART will be co-located with the JTF. Due to public diplomacy sensitivities, the names of responding DOD assets are occasionally changed to lessen the military image. For example, for the Indian Ocean tsunami response, the JTF was called the Combined Support Force (CSF) 536, and for the Pakistan earthquake in October 2005, the JTF was referred to as the US Disaster Assistance Center (USDAC).

With its acknowledged ability to deploy assets rapidly, the US Military is in a valuable position to provide significant transportation, logistical, personnel, and communication assistance to disaster responders. However, because the military is uniquely situated to move large assets, DCHA/OFDA generally recommends that DOD assets be used in a "wholesale" capacity, supporting smaller and more agile implementing partners, UN agencies, and NGOs who deliver the actual "retail" assistance to beneficiaries and work hands-on with affected populations.

During disaster operations involving US military assistance, DCHA/OFDA's role is to coordinate how and when military support is required with NGOs, international organizations, and UN agencies. In previous

disaster responses, examples of support requested from the military included heavy and medium lift helicopter support, cargo handling, security briefings and information sharing, assessment coordination, access to remote areas, assistance with opening sea and air ports, and liaison assistance with host or other nation's military.

Some NGOs work more easily with the US military than others, depending on the organization's particular philosophy and outlook. Some NGOs have expressed concern

that the military tries to dominate the humanitarian response. Other NGOs fear compromising their core values of impartiality and neutrality, or that their presence will be misused to collect intelligence. Through the DART in general and the DCHA/OFDA Operations Liaison Unit (OLU) in particular, DCHA/OFDA is able to bridge the gap and assist both NGOs and the military to cooperate in disaster relief operations.

Conclusion

In any disaster or complex emergency, the US military has a specialized skill set that can greatly assist the delivery of US humanitarian assistance. Both USAID and DOD, together with the rest of the interagency, are regularly improving coordination in humanitarian responses through mutual participation in both USAID and DOD training, exercise events, each military Service's officer education programs, and National Defense University courses. In this way, all actors are cooperating not only to execute what is in the US national interest, but also to do the greatest good for the host nation and populations affected by disasters.

Endnotes:

¹ Section 491 of the Foreign Assistance Act of 1961, as amended, provides flexible authority that permits DCHA/OFDA to respond to the needs of disaster victims in a timely manner.

² UN agencies include the UN World Food Program (WFP), the Office of the UN High Commissioner for Refugees (UNHCR), the UN Children's Fund (UNICEF), and the UN World Health Organization (WHO).

³ USDA assistance for emergency feeding programs is provided under Section 416(b) of the Agricultural Act of 1949. USDA also provides international food assistance through the McGovern-Dole International Food for Education and Child Nutrition and Food for Progress programs.

⁴ DOD Message, 041549Z May 04, FROM: SECDEF Washington DC, Subject: Policy and procedures for Department Of Defense participation in foreign disaster relief/emergency response operations.

About the Author:

Phil Wilhelm coordinates US Government disaster relief and humanitarian response to natural or man-made disasters and complex emergencies. He has served in disaster response operations in the Indian Ocean earthquake and tsunami; Sudan for Darfur Humanitarian crisis; and, on USAID Team Katrina, assisting in the delivery of nine million pounds of foreign donations to victims of Hurricane Katrina in Mississippi and Louisiana. Prior to USAID, Phil was an Emergency Preparedness Coordinator at a regional Emergency Medical Services council in Northwestern Pennsylvania. He was the primary planner, trainer, and coordinator for ambulance services, hospitals, emergency management, and public health agencies in disaster relief operations, and weapons of mass destruction medical response. Phil served twenty years in the US Air Force, reaching the rank of Lieutenant Colonel. His last tour of duty was at US Southern Command, in Miami, Florida, where he led a team of seven personnel overseeing day to day operations throughout Central and South America, and the Caribbean. In the

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USAID Delivering Supplies in Pakistan

For More Information on USAID and Humanitarian Assistance

USAID Website: <http://www.usaid.gov>

ReliefWeb: Administered by the UN Office for the Coordination of Humanitarian Affairs (OCHA), this is the leading on-line gateway to information on humanitarian emergencies and disasters. <http://www.reliefweb.int/rw/dbc.nsf/doc100?OpenForm>

InterAction: The largest alliance of US-based international development and humanitarian nongovernmental organizations. <http://www.interaction.org/>

Defense Security Cooperation Program (DSCP) - The DOD office that administers a family of humanitarian and disaster assistance activities. http://www.dsca.mil/hama_cd/overview/default.htm

Fighting for the Homeland: Two Command Senior Enlisted Leaders' Perspectives on the Post-Disaster Response to Hurricane Katrina

Mr. Phillip Wirtz, Joint Center for Operational Analysis

Hurricane Katrina and its aftermath exposed many weaknesses in America's preparedness for and response to a large-scale disaster. As further studies and reports have shown, including those documented in the June 2006 Joint Center for Operational Analysis (JCOA) Bulletin,¹ the complexities involved with the evacuation of residents and the response to the destruction of the hurricane were countless. US Northern Command's SgtMaj D. Scott Frye² and Joint Task Force–Katrina's CSM Marvin Hill served as the command senior enlisted leaders (CSEL) for the federal military organizations tasked with responding to and mitigating the effects of this multistate disaster. This article describes the perspectives of the “fight” from the top levels of the enlisted side of the house. The viewpoints from this article are taken from JCOA's CSEL Historical Leadership Perspectives Program, which draws on interviews of CSELs who have served in joint or combined environments.

On 18 September 2001, just one week after the nation's twin towers and sense of security collapsed, SgtMaj Scott Frye entered the ruins that were now being called “Ground Zero.” The sergeant major, on temporary duty (TDY) to New York City from his permanent post at Marine Corps Base Quantico, was attending a media training course, which, despite the devastating events that occurred, had not been canceled. Shadowing a New York Post reporter, SgtMaj Frye walked where the edifices of commerce once stood and observed the smoldering steel frames, the overworked rescue dogs and their tired handlers, and National Guard Soldiers securing the perimeter. The scene was unreal, and he was deeply moved by the effects of the devastation. Leaving that place, SgtMaj Frye silently convinced himself that he would never again experience a situation that would move him to that extent. Yet, four

years later, the destructive effects of Hurricane Katrina would change that perception.

CSM Marvin Hill knew firsthand the realities of the combat environment. In 2003–2004, as the command sergeant major for the 101st Airborne Division, he spent a year in Iraq under MG David Petraeus, a hard-charging Army officer known for challenging his team physically, mentally, and professionally, and for relying on the initiative of others. The command sergeant major cherished working under MG Petraeus because the general lent him autonomy at many levels. During its tour in Iraq, the 101st eliminated insurgents in An Najaf, Karbala, and Al Hillah. Following his deployment, CSM Hill returned to the Screaming Eagles' home at Fort Campbell, Kentucky, and in February 2005 assumed responsibility as the command sergeant major of First US Army. CSM Hill thought that nothing could be more rewarding than the experience of being a division command sergeant major in combat—that is, until he was put in a position where he could directly serve fellow Americans at home.

In late August 2005, Hurricane Katrina gathered intensity as it passed through Florida and into the Gulf of Mexico, eventually making landfall again and crippling much of the Gulf Coast. The initial damage to Louisiana and Mississippi was substantial. Television networks relayed images across the nation of the shattered coastlines and the Louisiana Superdome's scalped outer roof. The secondary effect proved to be even more destructive: New Orleans' levees failed and most of the city flooded.

As the highest-ranking senior enlisted leaders of US Northern Command (NORTHCOM) and Joint Task Force–Katrina (JTF-Katrina), the respective four- and three-star headquarters responsible for the federal military's response to the disaster, both SgtMaj Frye and CSM Hill would find themselves in a complicated joint operations area following one of the most destructive

hurricanes in recent memory. The relief effort was abundant with complexities, including damage to basic infrastructure, the availability of and difficulties with communications equipment, and the maze of laws and regulations pertaining to the region. These two command senior enlisted leaders would experience an operating tempo much like combat—only this fight was for their homeland, and on their turf.

Katrina's Approach and Arrival

In the days leading up to Hurricane Katrina, NORTHCOM commander ADM Timothy J. Keating began maneuvering components of the military in anticipation of a storm of significant magnitude. NORTHCOM, the newest geographic combatant command and just shy of its third birthday, had been tracking the storm from its 24-hour joint operations center at its Colorado Springs headquarters and began to support and coordinate with the Federal Emergency Management Agency (FEMA) to pre-stage vehicles, equipment, and supplies at active-duty military bases throughout the Gulf Coast region. The command contacted the Services to identify their potential capabilities for assisting with the response and began to hold video-teleconferences with Department of Defense (DOD) and Department of Homeland Security (DHS) officials.

In preparation for the hurricane, the governors of Louisiana and Mississippi both declared state emergencies on 26 August 2005. Moreover, New Orleans Mayor C. Ray Nagin issued a voluntary evacuation order of the city on the evening of 27 August, followed by a mandatory evacuation the following morning.



NORTHCOM SgtMaj D. Scott Frye

On 28 August, NORTHCOM deployed JTF advanced elements from First Army at Fort Gillem, Georgia, to Camp Shelby, in southern Mississippi.³ LTG Russel L. Honoré, a native of Louisiana and former commander of NORTHCOM's Standing Joint Force Headquarters—Homeland Security, assumed the JTF commander position, and CSM Hill became the JTF's

CSEL. Responding to the magnitude of the impending hurricane, LTG Honoré added to the original JTF concept by calling many Service members off leave, pass, and TDY. The JTF began to lean forward into the mission, but not so far as to, itself, become a victim of the storm.

On the morning of 29 August, Hurricane Katrina made landfall in Louisiana as a strong Category 3 storm. Katrina soon was downgraded to a tropical storm, and New Orleans residents prepared to recover. Without warning, however, rising waters resulting from the storm breached several of the city's levees, causing a massive deluge. Residents who were not able to leave, and those who remained by choice, were now in a city that was four-fifths under water.

On 30 August, NORTHCOM officially stood up JTF-Katrina and established the JTF's forward headquarters at Camp Shelby.⁴

Getting Boots on the Ground

On 4 September, NORTHCOM's ADM Keating and SgtMaj Frye arrived on the ground in Baton Rouge, Louisiana, and the commander briefed Secretary of Defense Donald Rumsfeld. Later, both ADM Keating and SgtMaj Frye participated in a closed-door meeting that included Secretary Rumsfeld, Chairman of the Joint Chiefs of Staff GEN Richard Myers, Assistant Secretary of Defense for Homeland Defense Paul McHale, Department of Homeland Security Secretary Michael Chertoff, and FEMA Director Michael Brown. That group of high-ranking federal officials attempted to find a common operating picture to determine what was going right and wrong throughout the joint operations area.⁵

Throughout the Gulf region, SgtMaj Frye traveled with his commander by helicopter to Louisiana, Mississippi, and Alabama. SgtMaj Frye and ADM Keating had developed a close relationship since the admiral's arrival at NORTHCOM in November 2004. In addition, the commander relied heavily on the sergeant major for his



JTF-Katrina CSM Marvin Hill

insight. The experience of participating in briefings with ADM Keating and meeting with the same high-level officials allowed SgtMaj Frye to know his commander's intent precisely, which proved valuable during times of separation.

During the early days of the relief effort, JTF-Katrina's CSM Hill stayed mostly at his commander's side to maintain optimal situational awareness. Previously, CSM Hill and LTG Honoré had been on a few trips together to training facilities at installations such as Fort Dix, New Jersey, and Fort Irwin, California, but never for more than a couple of days. JTF-Katrina, which kept the commander and CSEL together for about 10 days, would test the endurance of that close working relationship.

The operating tempo was very demanding. Typically, LTG Honoré and CSM Hill would wake up early at Camp Shelby. They would have a 0600 conference call with NORTHCOM, followed by another conference call with the Secretary of Defense (initially, the President participated). After 0700, they would participate in a media event and then fly to Gulfport to link up with Mississippi's tactical command post to determine what type of aid and resources it needed. From there, they would fly to downtown New Orleans to the main evacuation area, which included the Superdome and convention center, and meet with local officials, including the mayor and the police chief, and with the first responders on the ground, including police officers, firefighters, and emergency medical personnel. They spent the rest of the day moving around in light medium tactical vehicles to help resolve issues relating to, for example, maneuvering equipment, coordinating buses for evacuation, and setting up food distribution points. As evening approached, there were additional meetings with the city officials and first responders. Afterward, they would fly back to Camp Shelby and attend an update briefing, which would run as late as midnight.

As the month went on, CSM Hill continued a similar battle rhythm but began to separate from LTG Honoré during the day. He created his own circulation plan and schedule while remaining mostly on the ground. During this time, for example, he would move out to validate whether aid stations offering immunizations had been set up. CSM Hill took the intent of his commander directly to the units to see whether they understood it fully and whether they were working

together toward that common goal. As the eyes and ears of his commander, he would also carry the concerns of the Service members back up the chain of command to LTG Honoré.

In his role as JTF-Katrina CSEL, CSM Hill was amazed by the instant results he witnessed. For example, if a group of people did not have food, he would make a call and without much delay a truck would arrive to serve as a ration point; the people had what they needed. Unlike with the operations in Iraq, CSM Hill would not have to read a history book years later to determine the impact he had in the fight.

Not All Soldiers and Airmen Can Do the Same Things

In movies and television shows, local governments are often portrayed as managing the aftermath of a crime or disaster with limited resources until the more-experienced feds come in and smugly assert, "Thank you. We got it from here." However, the reality of a situation like Hurricane Katrina is that the National Response Plan, under the Constitution, defaults to the authority of state and local governments—that is, DOD resources are reserved as a last-resort option. Therefore, for both Louisiana and Mississippi, the requests for assistance and forces needed to come from the governors, the states' elected commanders-in-chief. But many of those requests did not come until after the hurricane made landfall.

In the weeks following Katrina, a peak of about 50,000 National Guardsmen from 54 states and territories would report for duty and come under the operational control of the Louisiana and Mississippi state adjutant generals.⁶ On 7 September, in response to the governors' request, the federal government changed the status of nearly all the National Guard forces from State Active Duty to Title 32 United States Code (USC), which allowed them to receive federal funding while

"[CSM Hill] is a straight-leg, steely-eyed, flat-bellied Soldier—that's who he is. But he morphed overnight into the greatest gift that I could have had down there. And with a tragedy of that magnitude, you can't just rush in—hell, you can't even get in there."

—SgtMaj Scott Frye

remaining under the operational control of the adjutant generals. By the end of the month, the number of Title 32 Guardsmen in the joint operations area would be reduced to roughly 30,000.

Military under NORTHCOM are Title 10 USC federal forces, which do not have the authority (as granted

“With a clear understanding of the rules of engagement, and trust in their leadership, they’ll accomplish anything. And that’s both Katrina and non-Katrina—Iraq, Afghanistan, and so on. If Soldiers, Sailors, Airmen, or Marines understand the rules of engagement and trust their leadership, they’ll accomplish anything.”

—CSM Marvin Hill

by the state adjutant generals to Title 32 National Guard forces) to trespass, stop, question, detain, arrest, or search private citizens, according to the Posse Comitatus Act. Also, without the consent of the governor and the Secretary of Defense, it is illegal for a Title 10 Service member to be in charge of Title 32 Service members. Apart from the 50,000 Service

members under the states’ control, JTF-Katrina had a peak of more than 20,000 Title 10 Service members under its authority, including those from the 82nd Airborne Division, the 1st Cavalry Division, the 11th and 24th Marine Expeditionary Units, and the 4th and 97th Air Expeditionary Groups.⁷

For CSM Hill, keeping standards for rules of engagement in the Army environment had been relatively straightforward. When confronted with an enemy threat on foreign soil, he would clarify the parameters of weapon status for his Soldiers—what was “red,” “amber,” or “green”—and the unit would move out. However, as witnessed in the wake of Katrina, a standard relating to rules of force for a Title 10 private on one street (instructed to have weapon cleared and on safe—“green”) would not apply to a Title 32 private carrying out the same mission just one street over (instructed to have weapon with magazine in chamber, with no rounds chambered, and on safe—“amber”).

Therefore, it was often difficult for CSM Hill to identify his own troops simply by looking at their weapon or uniform. A Soldier might have been carrying an M-16 or his uniform might have read “US Army,” but that did not mean that he necessarily belonged under the command of LTG Honoré. Further complicating matters for JTF-Katrina was that different standards

were being applied to Title 32 Guardsmen in the two different “theaters”—Louisiana and Mississippi.

Despite this difference of Title 10 and Title 32 authority, CSM Hill synchronized his efforts with the National Guard sergeants major—because many of the senior enlisted leaders involved wanted one, effective fight. CSM Hill regularly attended their meetings to strengthen the relationships among senior enlisted leaders and to help the National Guard and JTF-Katrina improve coordination.

Coordinating in the Joint Operations Area

Working with the many different types of organizations, NORTHCOM SgtMaj Frye encountered relief workers who had previously been in the military, but were no longer, and others who did not understand the military at all. He decided early on that either he could start telling people who he was and how things were going to be, or he could humbly explain to them who he was and ask how he could help them. He chose the latter, which paid off well in terms of establishing effective working relationships and building teams.

SgtMaj Frye had more than a year-and-a-half’s experience at NORTHCOM working with interagency and nongovernmental organizations. However, after arriving on the ground he had to read up on many of the authorities related to the local political structure. The military had to coordinate not only with governors and mayors but also, for example, elected parish presidents and judges, both of whom had broad authorities.

NORTHCOM already had many interagency and nongovernmental contacts in place and was also fielding international assistance offers, ranging from money to medical supplies to specialized doctors. In particular, the command coordinated with US European Command, which drew on its connections to procure high-powered pumps from the Dutch and Germans. This assistance helped the US Army Corps of Engineers to “un-water” New Orleans much more rapidly than was initially predicted.

SgtMaj Frye knew the military environment well, which, internally, he considered to have clean lines of authority and command and control. However, when working with personnel on the ground who were

outside the military, the uncertainty of relationships between organizations became apparent. But the sergeant major knew that the issue at hand was more than just about who was working for whom; ultimately, all the organizations needed to work together to reduce suffering and save people's lives. So when a group of relief workers in polo shirts saw the sergeant major approaching in his digital-patterned uniform, at first they might have been puzzled about why he was there. But in a very short time, SgtMaj Frye would clarify his role and what he could do to help them—and then he would diligently labor to keep those relationships warm. Knowing where different organizations were located helped to reduce overlap and greatly benefited the common operating picture.

In the “fog” of the joint environment, JTF-Katrina's CSM Hill initially had difficulty picturing just how the forward and main headquarters of First Army were operating simultaneously. Throughout his career, he had seen tactical command posts, tactical operations centers, and assault command posts working individually but had not yet been in a situation to step back and observe all the elements working simultaneously. Moreover, there was some initial confusion between the two headquarters, particularly regarding command and control. Some key people had not come forward, but once they did, the headquarters began to understand the situation on the ground better, and a good battle rhythm was established.⁸

One of the biggest challenges confronting CSM Hill was the coordination among senior enlisted leaders on the ground. The first obstacle was rather obvious: fewer than half the commanders had brought their senior enlisted leaders forward, which made coordinating operations difficult.

Second, coming from the Army, CSM Hill knew well his Service's expectations of the relationship between the commander and senior noncommissioned officer



The USS *Iwo Jima* docks on the Mississippi River next to the New Orleans Convention Center, 9 September 2005 (from the DOD Image Collection).

(NCO) and how the chain of command functioned. However, he quickly discovered that other Services' senior enlisted leaders perhaps did not have the same type of responsibilities, or that certain matters were not in their lane of responsibility. So, although having multiple Services brought expanded capabilities to the fight, their different internal structures sometimes served as a barrier to efficiently executing operations.

On 5 September, JTF-Katrina relocated its forward headquarters to the USS *Iwo Jima*, where SgtMaj Frye and CSM Hill would eventually team up. CSM Hill was not accustomed to the ship environment, but once aboard the amphibious assault ship he realized the value of how the Navy operated, particularly in the chief's mess, where the senior chief petty officers gathered and accomplished much of their work. He was able to form relationships with the other senior enlisted leaders and collect additional contacts and resources—occasionally having to clarify with a Sailor the location of a certain part of the ship.

Back on the “ground,” the post-disaster relief effort required tremendous stamina. Working in the 90-degree heat and surrounded by hazardous water, Soldiers persistently waded through water and moved in and out of multiple-story houses to accomplish their mission. In addition, they were transporting human remains to disaster mortuary teams for handling and processing. The negative effects of the operation on the troops were psychological as well as physical.

Keeping Up with the Media

With today's 24-hour news cycle, US military leaders have to work aggressively to stay in front of the reporting related to their operations. Wait too long and speculation in the media might start to overshadow the truth. In that regard, from the military's perspective, the media complexities of Katrina proved to be not so different from those of the Middle East.

In the days following the storm, SgtMaj Frye became discouraged by the media's reports of lawlessness, because often they were distorted and portrayed the chaos as being more widespread than it actually was. Furthermore, as a result, some of the civilian aid workers preparing to come into the region hesitated to put themselves into harm's way and did not enter immediately.

CSM Hill was also keenly aware of how the military was being perceived in the media. For instance, the mayor would ask JTF-Katrina for more troops. Understanding the military's supporting role, CSM Hill reinforced to local officials that JTF-Katrina would do all that it could to set them up for success; however, the victory had to be theirs in front of the camera. He recognized this same principle from his time in Iraq, when MG Petraeus stood in the background while the media filmed an Iraqi official cutting the ribbon.

Providing leadership from the rear was essential.

CSM Hill was also conscious of a secondary issue—recruitment. If there was confusion among the military concerning the differences between Title 10 and Title 32 Service members, then certainly the public would not be able to make that same distinction. News cameras would relay images of Title 32 Soldiers, under their authority to augment law enforcement and remove residents from the area,

kicking down doors and dragging families out of their homes; at the same time, Title 10 Soldiers might be standing by helplessly, limited in what they could do. So, in CSM Hill's mind, those types of situations negatively affected the Army's image and therefore its recruitment efforts.

Looking Back

When SgtMaj Frye came home, he could finally decompress and begin to process everything he had experienced. The devastation of Hurricane Katrina—including the images of total destruction and the repugnant odors of a city steeped in water—had more than equaled that experienced at Ground Zero in New York City.

Looking back at the post-disaster response to Hurricane Katrina, SgtMaj Frye emphasizes the complementary and supporting role that NORTHCOM maintains with the civil authorities and, indirectly, the National Guard. Prior to assuming the CSEL position, he did not fully understand the capabilities of the Air Guard and Army Guard. SgtMaj Frye stresses that, although NORTHCOM is a warfighting force and has an area of responsibility, the command's role in such post-disaster situations is to aid the governors, state adjutant generals, and the National Guard. That is, state sovereignty cannot be overlooked, regardless of the many resources that NORTHCOM can bring to the fight.

As an Army senior NCO, serving as the 101st Airborne Division's command sergeant major in Iraq had so far been the highlight of CSM Hill's career—that is, until he was in a position to help American people in the homeland. Today, the command sergeant major treasures both experiences nearly equally.

CSM Hill has a much better appreciation today of how future operations in the military will be coordinated and fought. Before Katrina, while focusing primarily on training, readiness, and mobilization, it was not

"So the jury's still out on the highlight of a career, when it's all said and done. If you want to think about what makes your chest poke out, it would probably be the division command sergeant major, 101st Airborne Division, Iraq—hooah, hooah, right? But if you want to talk about whether your life meant something, at the end, it was being able to help Americans in the homeland."

—CSM Marvin Hill

"It was already predicted that the football team wasn't going to have a place to play, and people were asking, 'What's going to happen to the New Orleans Saints?' When I visited the Coast Guard operations center, there was a poster on the wall that had a Coast Guard helicopter; its rotors were a huge golden halo, and the caption read, 'The *Real* New Orleans Saints.' I thought that was just perfect, and the absolute truth."

—SgtMaj Scott Frye

easy for CSM Hill to see all the benefits of playing in the joint exercises, but now he realizes that he could have learned much more about what other Services and agencies brought to the table; the other participants, in turn, could have learned more about the CSEL's role and how that role is critical to the post-disaster response solution.

And, although each JTF is structured differently because each mission is different, CSM Hill recommends that future CSELs learn both the mission and makeup of the JTF as soon as possible, whether they are assuming a specified position or whether their role emerges from an emergency circumstance. Knowing about the different components of the JTF and what they do is critical to succeeding in the joint and interagency environment.

SgtMaj Frye retired from the Marine Corps with more than 31 years of service, at NORTHCOM headquarters on 30 March 2007. CSM Hill rejoined GEN David Petraeus to become the CSEL of Multi-National Force–Iraq on 5 May 2007.

Endnotes

¹ This article draws on several pieces of the June 2006 JCOA *Bulletin*, Vol. 8, No. 2, specifically James Henry, "Incomplete Evacuation," pp. 1–10, and Lt Col Greg Gecowets, "Coordination, Command, Control, and Communications," pp. 16–24. In addition, the author of this article benefited from the timeline of events laid out in US Joint Forces Command (JFCOM), Joint Center for Operational Analysis, *Hurricane Katrina, August–September 2005—National Response to Catastrophic Events: Applied Lessons for Consequence Management*, Norfolk, Va., 21 August 2006 (government publication; not releasable to the general public).

² Along with his Northern Command duties, SgtMaj Frye was dual-hatted as command senior enlisted leader of North American Aerospace Defense Command, a binational command with Canada.

³ As part of the plan for military support to civilian agencies, First Army's responsibility was for states east of the Mississippi River, while Fifth Army supported states west of the Mississippi.

⁴ First Army already had an established relationship with Camp Shelby in the form of a training support brigade that was helping to prepare National Guard and Reserve units for missions abroad.

⁵ Later that month, on September 23, SgtMaj Frye would have dinner and enjoy casual conversation with President Bush when the President visited NORTHCOM's headquarters in Colorado Springs to monitor the approach of Hurri-

cane Rita. The President's ability to be confident and clear-minded in the midst of chaos and crisis deeply impressed the sergeant major. As well, SgtMaj Frye noted that the President, having served as a Air National Guardsman himself, had the experience to understand the complexity of the situation on the ground.

⁶ On 4 September, Texas Governor Rick Perry activated the Texas National Guard to assist in Katrina. He later recalled those forces when Hurricane Rita hit Texas later that month.

⁷ The US Coast Guard is regulated under Title 14 and can participate in law enforcement activities.

⁸ Only after his service with JTF-Katrina would CSM Hill have the benefit of attending National Defense University and JFCOM's Keystone training sessions for CSELs. During the Katrina response effort, in addition to his communication with SgtMaj Frye, CSM Hill relied on guidance from JFCOM CSM Mark Ripka to get an Army perspective on joint operations.

About the Author

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Further Information

More material from the CSEL Historical Leadership Perspectives Program can be found on Joint Knowledge Online (part of Army Knowledge Online/Defense Knowledge Online) at <https://www.us.army.mil/suite/page/469317> or on the SIPRNET at <http://www.jfcom.smil.mil/jcoa>.

The Transformation of the Joint Lessons Learned Program

Mike Barker, Joint Center for Operational Analysis

"We must review the causes of our failures and of our successes to ensure that the lessons which we bought so dearly with our dead not remain locked away in the memories of the survivors." GEN Paul Ely, French CIC, Far East, 1955

Executive Summary

Sixty years--that's the answer to the question of how long it has taken the Department of Defense (DOD) to transform the concept of how best to share what we learn into the reasonably viable program we know today. Starting as far back as 1947 with the National Security Act, the DOD has made several attempts to "break the code" on how best to collect, analyze, and share information among the Services. Jump ahead almost 40 years to 1986 when the Goldwater-Nichols DOD Reorganization Act was passed that dictated jointness. This came after the release of two not so complimentary United States Government Accountability Office (GAO) reports issued in 1979 and 1985 respectively. Another unflattering GAO report was issued in 1995 when only minor improvements to the joint and most Service lessons learned programs had occurred. Questions raised during the first year of Operation ENDURING FREEDOM (OEF) highlighted the weaknesses in the existing lesson learned program, especially at the joint level of operations. Operation IRAQI FREEDOM (OIF) saw the establishment of a temporary collection organization from the United States Joint Forces Command (USJFCOM) which would eventually transition to a permanent, full time group to be called the Joint Center for Operational Analysis, or JCOA. A new instruction, common software, and a single repository for all DOD lessons are currently under development to address some of the shortfalls noted in the joint lessons learned program. The question yet to be answered is can DOD continue to transform the joint lessons learned program and

improve how we collect, analyze, and share what we learn across not only Combatant Commands (COCOM), Services, and DOD agencies, but also multinational and interagency (non-DOD). Taking timely, effective actions to transform lessons into lessons learned is another area being addressed by the Joint Staff (JS) and combatant commanders.

Background

For thousands of years, battles and wars -- whether won or lost-- have been captured or immortalized through either oral or written history. In today's vernacular, we would refer to these as early examples of after-action reports. Armies and navies alike would look at a battle and identify what they did right and what they did wrong. As a result, weapons, tactics, and doctrine evolved to engage the enemy at longer ranges with increased lethality.

So it has been for the last approximately 220 years for the United States military. Throughout our relatively short history, military leaders have observed training exercises, mission rehearsals, and operations in order to identify and effect changes or improvements to warfighting capabilities. Even though there are examples of "joint operations" throughout our history, those that took place during World War II became the impetus for future joint and/or combined operations as we know it today. Unfortunately, because of both mistrust and cultural differences between the Army and Navy at that time, there was no formal means of sharing any lessons between the two senior Services and the fledgling Air Force after its establishment in 1947. Little improved in the exchange of Service lessons learned information, even with the formal establishment of the Joint Chiefs of Staff and the new Department of Defense under the National Security Act of 1947. It was not until the passage of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) that the Joint Staff was given the power to effect change throughout the joint community. Following the

passage of this Act, the Joint Staff reorganized in order to carry out their new responsibilities.

1986-1995

One of the results coming out of Joint Staff reorganization was the establishment of the Office of the Joint Chiefs of Staff (OJCS)/J7, Operational Plans and Interoperability Directorate,¹ whose responsibility it was to provide total oversight of the five-year JCS-directed exercise schedule. Additionally, it was tasked to develop a program that would include lessons learned input and analysis, after-action exercise reporting, and information storage and retrieval pertaining to significant military exercises. One of the actions of the JS/J7 was the establishment of a Joint Center for Lessons Learned (JCLL). Specifically, the J7 was to “establish and maintain a JCLL that collects and disseminates lessons with joint significance from joint operations, exercises, and other sources.”² The JCLL was one of several initiatives designed to help improve the interoperability of the Services.³ With the formal establishment of a JCLL with a general officer as its advocate, the joint community would have the leadership and means to tackle the disjointed nature of the Joint Lessons Learned System (JLLS) and help resolve the interoperability issues plaguing DOD, or so they thought.

Shortly following the establishment of the OJCS/J7, Congress requested background information on the JLLS.⁴ Documentation included excerpts from two draft Joint Staff publications and two GAO reports that were focused on the joint exercise program, dated 1979 and 1985, respectively. The 1979 GAO Report assessed that lessons learned from the [exercise] program were not being realized.⁵ It further stated that systems for identifying, analyzing, and following up on exercise lessons learned and putting the results to use were not effective.⁶ The GAO report summarized its findings into two major weaknesses of the JLLS for not: 1) resolving identified problems; and 2) applying results to future operations.⁷ Another recommendation from the 1979 GAO Report was to establish a worldwide exercise lessons learned system. Subsequently, the Director, Joint Staff, gave initial agreement to design a universal lessons learned system.

In April 1981, JCS announced “a centrally developed worldwide automated lessons learned system was no longer planned. Instead, the JCS encouraged

commands to develop their own system and to furnish copies of exercise after action reports to the other commands and to the JCS.”⁸ As a result, Services and some commands independently developed their own remedial action programs (RAP) to address identified issues. Unfortunately, because of the independent implementation and interpretation of the RAPs, many interoperability issues were not acted on, either by the Service or the Joint Staff, which only exacerbated the overall problem. Major Alan D. Landry’s summation of this ongoing problem in his thesis titled *The Joint Lessons Learned System and Interoperability* (1989), states “historical evidence is that repeat deficiencies have resulted from lack of attention, lack of critical analysis, and lack of prioritization in the resourcing process to resolve the truly tough issues.”⁹ The GAO report identified one additional deficiency: because Services and commands had to develop and implement independent systems, there was no means of easily sharing this information, whether it was a recurring problem or a potential fix. Consequently, the GAO found repeat occurrences in exercises of the same problem.

The 1985 GAO Report, although noting there had been some improvements since the 1979 report, stated that there were still problems associated with the joint lessons learned system involving identifying lessons or issues from joint exercises, resolving the interoperability issues, and applying those lessons back into the joint exercise program. The timing of this report was most apropos due to interoperability problems identified out of the failed Iranian hostage rescue attempt in 1980, and the intervention in Grenada in 1983.¹⁰

During August 1995, the GAO released yet another report entitled, *Potential to Use Lessons Learned to Avoid Past Mistakes Is Largely Untapped*. As with 1979 and 1985 reports, its findings were not flattering for either the Services or the joint community. This report identified four problematic areas. Those were:

1. All significant lessons are not collected.
2. Lessons are not routinely analyzed to identify recurring deficiencies.
3. Lessons learned information is not readily available.
4. Follow-up and validation are insufficient.

One example cited by the report stated, “the services and regional commanders in chief continue to repeat mistakes during military operations and major training

exercises.”¹¹ Several examples of recurring problems involved communications; fratricide; and nuclear, biological, and chemical (NBC) threat. Another example cited by the GAO was an Air Force after-action report (AAR) from Operation RESTORE HOPE (Somalia). The AAR stated “almost every problem occurring during Operation RESTORE HOPE had been documented in a lessons learned report on previous exercises or contingencies.”¹² The GAO report recommended that the Air Force, Navy, and Joint Staff:

1. Analyze lessons learned information so that trend data can be developed to identify recurring deficiencies
2. Prioritize these recurring deficiencies so that limited resources can be concentrated on the most pressing problems.¹³

With only two military analysts and one contractor working the lessons learned program as the JCLL, the JS/J7 reply stated that a “shortage of resources precluded them from routinely analyzing the information.”¹⁴

1996 – 11 September 2001

Over a 16-year period, three GAO reports (1979/1985/1995) consistently identified recurring problems within the lessons learned system. Prior to release of the August 1995 GAO report, the JS/J7 had already recognized the need to improve and transform the program. Early that year, the Joint Staff initiated visits with regional component commanders (RCC) to identify focus areas for improving the lessons learned program, an initiative called the “Better Lessons Learned Campaign (BLLC).”¹⁵ In addition to the BLLC, the JS/J7 began working on the eventual establishment of an actual Joint Center for Lessons Learned to be located at the Joint Warfighting Center, Fort Monroe, VA. The goal of the “Better Lessons Learned Campaign” was “to improve the joint warfighter’s ability to capture, act on, and share joint lessons learned in order to improve our joint warfighting capabilities.”¹⁶ Four goals were identified by the RCCs:

1. Develop and field state-of-the-art software
2. Provide on-line capability
3. Develop an analysis program
4. Focus on and correct significant problems.

In 1996 the anticipated cost of fielding updated lessons learned software was placed at \$884,000. This included the software, programming, documentation, training, and database replication/distribution.¹⁷ At the time JS J7 had approximately \$150,000 that could be applied to this program. In early 1997 a prototype, windows-based Joint Universal Lesson Learned System (JULLS) program was introduced to the joint community for testing as the replacement of the existing DOS-based JEMP 6.22.¹⁸ Before the end of Fiscal Year (FY) 97, this prototype was dropped so all funding could be applied to the development of the Joint Training Information Management System, or JTIMS. The joint community again became reliant on either the Services for any type of software that could be used in support of individual lessons learned programs, or develop a management tool through their own design.

Following the completion of their BLLC, the JS J7 requested in February 1996, through the Remedial Action Program (RAP) Steering Group held in Washington D.C., that the Joint Warfighting Center (JWFC) provide an analytic capability for the Joint Center for Lessons Learned. Because the JS did not have this capability, the JWFC was asked to review the possibility to assume that responsibility. A study was conducted and the findings presented to the Joint Staff on 24 April 1996. As a result of the JWFC study, a memorandum on the “Implementation of Analysis of JULLs and Remedial Action Project (RAP) Databases” was sent from MGen Dees, Acting Director J7, to MajGen Redden, Commander JWFC, to “proceed with implementing the analysis capability.”¹⁹ To support the JCLL still embedded in the JS, the JWFC implemented an analysis effort that:

1. Determined RAP issues that, potentially, should be linked together
2. Merged RAP issues with related JULLs database issues
3. Produced a quarterly bulletin to identify current analysis to the joint community
4. Provided analytical review to the Chairman Joint Chiefs of Staff (CJCS) Rap Working Group/Steering Group.²⁰

Although this basic analytic capability was established and maintained until just prior to OIF in March 2003, it was never able to jump to the second and third levels

of effects in order to conduct the trend analysis that the GAO reports recommended and the RCCs desired.

During the same timeframe (mid-1996) the JWFC was establishing an analysis capability for the JCLL, the groundwork was also being laid to transfer the JCLL duties from the Joint Staff and establish an actual Center at the JWFC. The task to conduct a mission analysis and brief courses of action (COA) was assigned to Commander Pat Clark, USN. CDR Clark was also designated as the first program manager for the new JCLL. He developed four COAs which were briefed to MG Sullivan, JS J7:

1. COA 1 - Maintain status quo (one Military, three contractors)
2. COA 2 - Minor increase to support analysis and database management (two military, five Government Service (GS) and/or contractors)
3. COA 3 - Larger increase in personnel to support all JS requirements up to, but not including, the capability to conduct active collection (four military, eight GS and/or contractors)
4. COA 4 - Major increase in personnel to include the capability to conduct active collection (seven military, two GS, twelve contractor).²¹

Because one of the desired capabilities of the JCLL was to conduct active data collection, COA 4 was recommended. However, because funding was not available for a 21-person organization, MG Sullivan selected and modified COA 3 for the implementation. At full operating capability (FOC), the new JCLL would be composed of one military and nine contractors. He added that once the JS had the proof of concept, COA 4 would be revisited at a later date.²² Accordingly, when the JCLL Implementation Plan was approved, the initial operating capability (IOC) was to be attained on/about 31 March 1998 and FOC on 30 September 1998.²³

The next two years saw additional changes to the JWFC and JCLL. Due to similarities of training functions, the Joint Staff transferred the Joint Warfighting Center, along with JCLL, to the US Atlantic Command (USACOM) J7 and relocated the JWFC from Fort Monroe to Suffolk, Virginia, where USACOM J7 was located. By September 2000, the Joint Center for Lessons Learned was fully up and running. After one of several reorganizations (right-sizing) with a loss of military personnel, government leadership for

the JCLL shifted from a military officer to a DOD civilian. In October 2000, the Joint Lessons Learned Program Instruction, CJCSI 3150.25A, was signed out by the Chairman, which superseded a memorandum of agreement (MOA) between Joint Staff J7 (MG Close) and the Joint Warfighting Center (MG Wallace) that had been in place since February 2000. From FY 00 through FY 02, attempts were made through the program objective memorandum (POM) process to increase and improve JCLL's analysis capability, but without success. After the new support contract was let during the summer of 2001, a new lead contractor was assigned to JCLL who was also an operations research analyst (ORSA). He undertook an internal training program with the originally assigned contractors to improve JCLL's analysis capability. Consequently, starting in the fall of 2001, the first analytic studies were undertaken and papers written which provided the first real trend analysis focused at joint training.²⁴

On 11 September 2001, as the attacks were taking place on the World Trade Center and the Pentagon, the capabilities of the JCLL, with the exception of the emerging analysis capability, were unchanged. It passively received joint after-action reports (JAAR) from the combatant commands (COCOM), conducted a basic review of these submissions to identify potential issues for upcoming RAP working groups, maintained a database of these JAARs, and produced a quarterly lessons learned bulletin. As those fateful events continued to unfold throughout the day, no one could have guessed just how much they would affect the future of the JCLL.

11 September 2001 – 7 October 2002

During November 2001, Secretary of Defense (SECDEF) Rumsfeld wanted to know what lessons or issues were being identified on the Global War on Terrorism (GWOT). The JS J7 sent a tasker throughout all DOD directing COCOMs, Services, and agencies to send their submissions/observations to JCLL for consolidation and analysis. When the report was presented to the SECDEF through JS J7 in January 2002, the nonverbal reaction observed indicated to the JS that the report wasn't the quality he desired.

In December 2001, US Southern Command (USSOUTHCOM) was directed to stand up a holding facility in Guantanamo Bay, Cuba, and prepare to

receive detainees captured in fighting in Afghanistan. In January 2002, MajGen Gordon Nash, Commander JWFC/USJFCOM J7, was contacted by BGen Michael Lehnert, Commander Joint Task Force (JTF) 160, located at US Naval Base, Guantanamo Bay (GTMO), Cuba. He invited JCLL to provide a team to observe detainee operations at GTMO to ascertain if there was sufficient data to develop a product (e.g., handbook, lessons-learned database, or pamphlet) for future use by JTF commanders and their staffs in conducting detainee operations. During initial studies in preparation for this visit, very little information about detainee operations was available to a commander, joint task force (CJTF). Joint Publication (JP) 1-0, *Doctrine for Personnel Support to Joint Operations*, provided a very limited discussion of this area. DOD Directive 2310.1, DOD Program for Enemy Prisoners of War (EPOW) and Other Detainees; and CJCSI 3290.01A, Program for Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detained Personnel (EPW/Detainee Policy), provided information that is mostly focused above the JTF/Operational level. The only document that closely matched this detainee operation was the handbook, *Migrant Camp Operations: The Guantanamo Experience*. This handbook was used as the baseline reference in certain areas of JTF-160 operations. A four-person team, drawn from both the JWFC Doctrine Division and JCLL, visited GTMO during March 2002 and produced the first joint report on detainee operations in April 2002; it is still referred to as the only current document on this subject.

During February 2002, GEN Kernan, Commander US Joint Force Command, directed JWFC/JCLL to conduct active collection with USCENTCOM and other JTFs to be determined at a later date. Based on guidance from GEN Kernan, focus areas were identified and a collection plan developed. The first two attempts were postponed - one by JWFC/JCLL and one by USCENTCOM. In mid-September, the ad hoc JCLL collection team led by a Marine Corps colonel with a GS-12 deputy, 10 military, and 14 civilians reported to USCENTCOM headquarters in Tampa, Florida, for one week of data collection. The first draft was delivered to USCENTCOM in November 2002. USCENTCOM provided comments/feedback in December, with an invitation to come back to interview the directors who were not available the first time the collection team was in Tampa. The second draft was forwarded in early January 2003. Unfortunately, because of events that

unfolded several weeks after this draft was delivered to USCENTCOM, JCLL was not able to complete and release this report.

The lessons that JWFC/JCLL learned from forming and deploying the ad hoc collection team to USCENTCOM were quickly applied a month later when JCLL spent three days with the 10th Mountain Division. This visit was well coordinated through the office of the Division Commander, MG Hagenback, and the team was well received by division staff. 10th Mountain Division approved the report JCLL drafted and used it as part of their final OEF After Action Report. As well executed as this visit was, it was still accomplished with an ad hoc team drawn from various USJFCOM directorates. Being an ad hoc team, the JWFC Commander had to first identify a senior military officer, preferably an O-6 to lead the team, since the JCLL had no military assigned to it, then build the collection/analysis capability by drawing in subject matter experts (SME) from throughout the command. Finding the experts was easy. Getting permission from the directorates to release their people for several weeks was difficult at best. The ideal situation was to have a more robust organization led by an O-6 with organic SMEs (military and civilian) already assigned.

7 October 2002 – Present

At the same time JCLL was executing these ad hoc collection efforts, other events were beginning to unfold that would have a long-term effect on the organization, its make-up, and its mission. In a memorandum sent to ADM Giambastiani, Commander US Joint Forces Command, dated 7 October 2002, GEN Meyers stated he was “concerned that the JCLL is not as effective as it should be to best contribute to the transformation of our joint force. Specifically, it appears the JCLL does not support lessons learned active collection and analysis to identify voids and deficiencies in joint capabilities.”²⁵ GEN Meyers identified eight key imperatives, four of which were:

1. Be led by a JCLL Director capable of sufficient leverage to engage at the key decision maker level
2. Perform active collection of lessons learned through robust traveling teams [to exercises and operations]
3. Perform analysis of lessons learned resulting in warfighting deficiencies trends and paper products

that are vetted with the originator and pushed to the field

4. Identify strategic and operational trends and issues in joint warfighting deficiencies through active collection.²⁶

After conducting a mission analysis, the proposed JCLL organization presented to ADM Giambastiani identified an organization of 24 personnel led by an O-6 with three branches: 1) Collection, 2) Analysis and Assessment, and 3) Information Management.²⁷ Each branch would be composed of both military and civilian analysts. The individuals responsible for this mission analysis/recommendation were not aware of the study and its recommendations that had occurred seven years earlier. By pure coincidence, the January 2003 recommendation was almost a mirror image of the proposed JCLL organization presented to MG Sullivan during April 1996. Even before this COA was briefed to the JS, the JWFC/J7, who JCLL reported to, had already initiated the paperwork and justification to POM this proposed organization.

On 24 January 2003, ADM Giambastiani replied to GEN Meyers' memorandum of 7 October 2002. In his response he said:

"We fully concur with your assessment and support your way ahead on a Joint Center for Lessons Learned. . . To that end, we propose a Center for Joint Education, Doctrine, and Lessons Learned that creates a coherent link between education, doctrine, and lessons learned to enhance transformation of the joint force. . . Our goal is to transform Lessons Learned from documenting past operations to guiding future joint force development."²⁸

A week later, none of this mattered.

Even though no one knew it at the time, the events that unfolded over the weekend of 1 February 2003 would provide the impetus for the evolution, or maybe revolution, of the joint lessons learned program. In a meeting between the President, SECDEF, and CJCS, the question was raised of whom would/could capture the operational lessons in the event forces were committed into Iraq. GEN Meyers said that the Joint Center for Lessons Learned located in USJFCOM would be responsible for capturing those lessons. ADM Giambastiani and LTG Wagner, Deputy Commander USJFCOM, were contacted, given a verbal brief, and

advised to standby for the official tasker. Because the JCLL was a "center" of one GS civilian and ten matrixed contractors, USJFCOM's senior leadership knew this mission was beyond JCLL's capability and means to execute.

Monday morning, 3 February 2003, the task to build a collection team was officially assigned to JWFC/J7. Specifically, the task was handed over to the Doctrine Division to whom the JCLL reported. Basic guidance given was to build a collection team drawn from expertise throughout the command. All directorates were told to support this tasker without hesitation. Before the end of that first week, the USJFCOM Joint Lessons Learned Collection Team (JLLCT) was identified, organized, and standing by for further orders. Concurrent with the JLLCT being built, there were on-going discussions between GEN Meyers, ADM Giambastiani, and GEN Franks on how this collection team from USJFCOM could best support USCENTCOM. Decisions were made and a Terms of Reference (TOR), which identified supported/supporting roles, was signed between GEN Franks and ADM Giambastiani. In little over two weeks (mid February), the site survey team was deployed. A week later the advanced echelon (ADVON) team was flying to Qatar with the remainder of the team reporting approximately 10 days later.

The USJFCOM JLLCT was led by a general officer, BG Robert Cone, and was made up of over 30 active, reserve, and National Guard military officers representing the four Services. The team was subdivided and embedded into USCENTCOM's forward headquarters in Qatar, the Combined Force Maritime Component Commander (CFMCC) in Bahrain, Combined Force Land Component Commander (CFLCC) in Kuwait, Combined Force Air Component Commander (CFACC) in Saudi Arabia, and the Combined Joint Special Operations Task Force (CJSOTF) almost two weeks prior to the initiation of operations. Another team was sent to US European Command (USEUCOM) headquarters to provide a perspective on the critical seam between USEUCOM and USCENTCOM areas of responsibility (AOR). The collection team was also supported by approximately 24 civilian analysts located at the Joint Warfighting Center. These forward and rear teams collaborated on a daily basis using Integrated Work Station (IWS).

To approve USJFCOM's request to put a collection team in their AOR, one of the arguments presented to USCENTCOM was that the JLLCT was there to

support GEN Franks, not to conduct a collection with any hidden agenda. This was proven several times when the USCENTCOM staff identified issues having an immediate negative affect on their ability to “fight the war” and passed them to the JLLCT. The JLLCT and rear team worked these issues and, in 72 hours or less, provided fixes or “quickwins” that allowed the staff to focus on the war and helped make their jobs easier.

In addition to supporting USCENTCOM, the JLLCT also coordinated much of their collection efforts with the Service lessons learned centers that were present through the war at either the main headquarters or the functional headquarters. One week after the conclusion of Phase III operations, BG Cone, with the JLLCT and USCENTCOM, hosted an in-theater lessons learned conference as a formal means of discussing, sharing, and cross-walking initial impressions/observations/findings. Leaving a small cadre in Baghdad, Iraq, to continue with ongoing collections, BG Cone and the bulk of the JLLCT returned to USJFCOM to finalize the OIF Joint Combined Combat Operations Quicklook Report. From the end of May through late August, BG Cone briefed the Quicklook Report to many senior officials to include the Chairman Joint Chiefs of Staff, the SECDEF, Vice President Cheney, and, most notably, President Bush. Because of the rigorous analysis applied to reviewing the data that went into the development of the Quicklook Report, Secretary Rumsfeld finally had the report he had hoped for in January 2002.

When the JLLCT was first formed to support collection and analysis of data for USCENTCOM for OIF, ADM Giambastiani originally intended for this to be a temporary organization lasting four to six months. Once the Quicklook Report was written and approved, the team would stand down and individuals would return to their parent directorate/organization. However, as a result of the team’s success and the continuing operations in Iraq and Afghanistan, ADM Giambastiani decided to make the JLLCT a permanent organization. The Joint Center for Operational Analysis (JCOA) was born. What was left of the Joint Center for Lessons Learned (JCLL) was then folded into JCOA. The joint lessons learned program had now officially transitioned from an organization of one government civilian and 10 contractors to an organization of over 100 personnel led by a brigadier general.

With the permanent establishment of JCOA in 2004, the joint community now had an organization to turn to for assistance in collecting lessons during major operations, but whose support needed to be codified in an instruction. From late 2004 through mid 2005, JS J7, with assistance from JCOA, updated the Chairman’s lessons learned instruction, CJCSI 3150.25A, Joint Lessons Learned Program. The updated instruction, CJCSI 3150.25B, incorporated many of the lessons USJFCOM (JCOA) learned from deploying an active collection team to support USCENTCOM. One of the additions to the draft instruction was verbiage taken from JCOA’s standing “non-disclosure agreement” and the USCENTCOM Terms of Reference (TOR) that addresses supported and supporting relationships whenever a lessons collection team enters another COCOM’s theater to conduct data collection. Since all COCOMs are required to review and approve instructions issued by the joint staff, this addition was intended to simplify the entry process for any collection team (Joint/Service/Agency).

Today, as part of its mission, JCOA “provides tailorable and world-wide deployable teams of multi-disciplined operations analysts able to support joint, combined, and interagency missions with operational analysis . . . to assist combatant commanders in developing lessons learned for their ongoing operations.”²⁹ Since February 2003, examples of JCOA’s support are:

USCENTCOM

- Operation ENDURING FREEDOM - Ongoing
- Operation IRAQI FREEDOM - Ongoing
- Pakistan Earthquake

USNORTHCOM

- Democratic National Convention
- Republican National Convention
- G8 Summit
- Hurricane Katrina

USPACOM

- Tsunami Relief

USSOUTHCOM

- Operation SECURE TOMORROW (Haiti)
- Guatemala Mudslides

USSOCOM

- Global War on Terror

Even more important is that JCOA, in concert with efforts being worked by the Joint Staff and the Services, has been able to address many of the voids previously identified by the 1995 GAO report. Specifically,

1. With the focus by JCOA and the Services of providing active collection teams in support of exercises, experiments, or operations, significant lessons are being identified and collected.
2. JCOA and most Services each have a staff devoted to the analysis of data collected to help identify recurring deficiencies.
3. Through the worldwide web, lessons learned information is readily available to anyone within DOD. A single, joint lessons learned repository for all DOD lessons should be completely fielded by 2008 that will not only improve the ability to access information, but also share information.
4. Each lessons learned organization/program has incorporated validation procedures into their respective processes. Joint Staff J8 is improving its processes to identify and resolve issues identified as a result of operations. Processes run from the immediate to near-term to mid-term to long-term solutions.

There have been significant improvements in the lessons learned programs, both joint and Service, since 1986. But, most notably are the changes seen in the last four years since the outset of OIF. The biggest achievement has been the transition of JCLL, with one government civilian and ten contractors, to JCOA, with approximately 120 total personnel conducting active collection and analysis. For years, COCOMs have been asking for a standard lessons input tool and a single data repository. The Joint Staff J7 took on this mission in 2004 to identify a solution. After an initial review of a number of different data bases, the final choice was narrowed down to the Marine Corps Lessons Management System (LMS) and the Air Force Lessons Management System (ALMS). The Marine Corps Lessons Management System (LMS) was ultimately selected as the “joint” system for use by all DOD. The name LMS was changed to Joint Lessons Learned Information System, or JLLIS. Additionally, JLLIS has the ability to maintain a single data repository called the Joint Lessons Learned Repository, or JLLR. This will allow anyone in DOD to have a “one-stop-shop” for querying data. The Marine Corps Center for Lessons Learned (MCCLL) which operates and maintains JLLIS is already in the process of installing

this software at the COCOMs. It is anticipated that JLLIS will be at Initial Operating Capability (IOC) by 30 September 2008 and at Full Operating Capability (FOC) by 30 September 2009. For the mid-term, the Joint Staff will be looking at DOD agencies receiving JLLIS. For the long term, JLLIS is being considered for multinational use. In addition to what MCCLL is doing, JCOA is developing a Universal Joint Task List (UJTL) metadata tagging taxonomy which will automatically tag data with the appropriate UJTL task number(s) as the data is entered into the JLLR. A Joint Capability Area (JCA) taxonomy and DOTMLPF [doctrine, organization, training, materiel, leadership and education, personnel, and facilities] taxonomy are potential future additions. A lot of work by a lot of people has made these advances possible. The key now is not to lose the impetus and to continue to improve how we collect, analyze, and share what we learn.

Endnotes:

¹ Landry, pg 149

² Brief “New and Improved JCLL, 9 May 1996”

³ Landry, pg 149

⁴ Ibid, pg 151

⁵ GAO Report 1979, pg ii

⁶ Ibid, pg 29

⁷ Landry, pg 154

⁸ Ibid, pg 157-158

⁹ Ibid, pg 160-161

¹⁰ Ibid, pg 157

¹¹ “*Military Training: Potential to Use Lessons Learned to Avoid Past Mistakes Is Largely Untapped*,” GAO Report August 1995, pg 21

¹² Ibid, pg 21

¹³ Ibid, pg 26

¹⁴ Ibid, pg 25

¹⁵ “Better Lessons Learned Campaign Update Brief, 24 Jan 1996”

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Author's personal involvement

¹⁹ Memo from MGen Dees to MajGen Redden dtd 29 Apr 1996

²⁰ Ibid

- ²¹ Implementation Plan Concept Paper dtd 12 Sep 1996
- ²² Interview with CDR Pat Clark
- ²³ JCLL I-Plan dtd 30 May 1997
- ²⁴ Author's personal involvement
- ²⁵ Memo from GEN Meyers to ADM Giambastiani dtd 7 Oct 2002
- ²⁶ Ibid
- ²⁷ JCLL Response to CJCS of 7 Oct 2002
- ²⁸ Memo from ADM Giambastiani to GEN Meyers dtd 24 Jan 2003
- ²⁹ JCOA Mission Brief

Bibliography:

Better Lessons Learned Campaign brief, dtd 24 Aug 1999

Chairman Joint Chiefs of Staff Instruction (CJCSI) 3150.25B, Joint Lessons Learned Program

Implementation Plan Concept Paper dtd 12 Sep 1996

Interview with Mr. Pat Clark (CDR, Ret). First JCLL Program Manager

JCLL Implementation Plan (rev 30 May 1997)

JCLL Response to CJCS Memo of 7 Oct 2002
Joint Center for Operational Analysis (JCOA) Mission Brief

Landry, Alan D. *The Joint Lessons Learned System and Interoperability*. Fort Leavenworth, Kansas, U.S. Army Command and General Staff College, 1989

Military Training: Potential to Use Lessons Learned

to Avoid Past Mistakes Is Largely Untapped, GAO Report, August 1995

Memo from MGen Dees to MajGen Redden, dtd 29 Apr 1996

Memo from GEN Meyers, CJCS, to ADM Giambastiani, Commander USJFCOM, dtd 7 Oct 2002

Memo from ADM Giambastiani to GEN Meyers, "JCLL, Doctrine, and Education Way Ahead", dtd 24 Jan 2003

New and Improved JCLL brief, dtd 9 May 1996

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